

**New Jersey State Board of Optometrists
Regular Session Minutes
February 21, 2007**

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 21, 2007. 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 Present
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.

Danielle Swenson, the Board's Regulatory Analyst for eight years, advised the Board that she was leaving the Division of Consumer Affairs. The Board wished Ms. Swenson well in her future endeavors and thanked her for all her efforts on behalf of the Board.

I. Public Comment

II. Election of Officers for 2007

Executive Director, Susan H. Gartland, took the chair to conduct the election of Board Officers for 2007.

Mrs. Gartland called for nominations for President and a motion was made by Dr. Fink and seconded by Dr. Collazo to nominate Dr. Steiner for President of the Board for 2007. Mrs. Gartland called for further nominations and there were none. Mr. Bent then made a motion, seconded by Dr. Collazo to close the nominations and elect Dr. Steiner 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. Steiner and seconded by Dr. Collazo to nominate Dr. Fink for Vice President of the Board for 2007. Mrs. Gartland called for further nominations and there were none. Dr. Florio then made a motion, seconded by Dr. Steiner to close the nominations and elect Dr. Fink 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 2007. Mrs. Gartland called for further nominations and there were none. Mr. Bent then made a motion, seconded by Dr. Steiner 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 20, 2006

A motion was made by Dr. Collazo and seconded by Dr. Fink to approve the December 20, 2006 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

IV. New Business

A. Letter from James L. Petsche
RE: The Codey Law and Optometrists

Mr. Petsche inquired whether N.J.S.A. 45:9-22.5 and related statutory provisions of the Codey Law apply to optometrists.

A motion was made by Mr. Bent and seconded by Dr. Collazo to table this matter until its March 21, 2007 Board meeting. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Katarzyna I. Ciesek, O.D.
RE: Credentialing Coursework
- Oral Pharmaceutical Agents

Dr. Ciesek advised the Board that she graduated in May of 2005 and subsequently completed a residency program in Maryland. Dr. Ciesek further advised the Board that during her residency she prescribed oral medications under the supervision of staff ophthalmologists. Dr. Ciesek inquired whether she could be exempt from the credentialing coursework based on her training and experience.

A motion was made by Dr. Fink and seconded by Dr. Collazo to deny Dr. Ciesek's request for an exemption of the credentialing coursework. The only applicants exempt from the credentialing coursework are those who have graduated from a college of optometry on or after August 7, 2005 in accordance with N.J.A.C. 13:38-4.2 (e). The Board will also advise Dr. Ciesek that in order for her to be eligible to apply for an oral therapeutic pharmaceutical agent certification, she will need to complete the credentialing coursework and successfully pass the written examination administered after the credentialing coursework. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Igor David Nestorowicz, O.D.
RE: Credentialing Coursework
- Oral Pharmaceutical Agents

Dr. Nestorowicz advised the Board that he was licensed in New Jersey in December of 2006 and had previously practiced in Alabama. Dr. Nestorowicz also advised the Board that under his Alabama optometric license, he was approved to prescribe oral medications. Dr. Nestorowicz inquired whether he could receive an oral medication certification in New Jersey through reciprocity.

A motion was made by Dr. Fink and seconded by Dr. Collazo to advise Dr. Nestorowicz that he could not receive an oral medication certification in New Jersey through reciprocity as New Jersey requires all applicants to provide documentation to show that they meet the requirements of licensure and/or certification for the State of New Jersey. The Board will further advise Dr. Nestorowicz that he will need to complete the credentialing coursework and successfully pass the written examination administered after the credentialing coursework in order to be eligible to apply for an oral therapeutic pharmaceutical agent certification. A vote was taken and the motion carried by a unanimous vote.

D. Letter from Irving Edelsberg, O.D.
RE: Letter from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians

Dr. Edelsberg wrote the Board concerning a letter he received from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians requesting information concerning his optometric practice. Dr. Edelsberg provided the Board with a copy of the letter which required him to provide the requested information to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians within 30 days.

A motion was made by Mr. Bent and seconded by Dr. Fink to advise Dr. Edelsberg that the practice of optometry

in New Jersey is governed by the New Jersey State Board of Optometrists and if he wishes to respond to the letter he received from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, it is on a voluntary basis. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Todd Gershenow, O.D.

RE: Letter from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians

Dr. Gershenow wrote the Board concerning a letter he received from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians requesting information concerning his optometric practice. Dr. Edelsberg provided the Board with a copy of the letter which required him to provide the requested information to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians within 30 days.

A motion was made by Mr. Bent and seconded by Dr. Fink to advise Dr. Gershenow that the practice of optometry in New Jersey is governed by the New Jersey State Board of Optometrists and if he wishes to respond to the letter he received from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, it is on a voluntary basis. A vote was taken and the motion carried by a unanimous vote.

F. Review of draft Application for Prescribing Oral Medication

A motion was made by Dr. Collazo and seconded by Dr. Florio to approve the draft application for Oral TPA Certification. A vote was taken, Mr. Bent voted in opposition, Dr. Favreau abstained, and all others voted in favor. The motion passed by a majority vote.

V. Old Business

A. Response from the Pennsylvania College of Optometry and the State University of New York College of Optometry

RE: Credentialing Coursework - Oral Pharmaceutical Agents

The Board reviewed a response from the Pennsylvania College of Optometry and the State University of New York College of Optometry. Each College of Optometry agreed to administer the 32 hour course as approved by the Board in the State of New Jersey beginning January 27, 2007 and ending with a test administered on March 4, 2007; will offer and administer this coursework more than once a year going forward, provided there are a sufficient number of registrants, on a nondiscriminatory basis; will provide the faculty to teach the coursework and administer the written test; and will provide written verification of successful completion to the New Jersey State Board of Optometrists of each licensee who has completed the coursework as well as those who have successfully passed the test.

VI. For Your Information

A. New Jersey State Board of Medical Examiners

November 8, 2006 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' November 8, 2006 Open Board Minutes and considered them informational.

B. New Jersey State Board of Medical Examiners

November 8, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' November 8, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

C. New Jersey State Board of Medical Examiners

January 10, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' January 10, 2007 Open Board Agenda and considered it informational.

D. New Jersey State Board of Medical Examiners
January 10, 2007 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' January 10, 2007 Disciplinary Matters Pending Conclusion and considered it informational.

E. New Jersey State Board of Medical Examiners
February 14, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' February 14, 2007 Open Board Agenda and considered it informational.

F. New Jersey State Board of Medical Examiners
February 14, 2007 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' February 14, 2007 Disciplinary Matters Pending Conclusion and considered it informational.

G. New Jersey State Board of Medical Examiners
December 13, 2006 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' December 13, 2006 Open Board Minutes and considered them informational.

H. New Jersey State Board of Medical Examiners
December 13, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' December 13, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

I. New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians' September 13, 2006 Public Session Minutes

The Board reviewed the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians' September 13, 2006 Public Session Minutes and considered them informational.

J. New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians' January 10, 2007 Public Session Agenda

The Board reviewed the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians' January 10, 2007 Public Session Agenda and considered it informational.

Upon a motion made by Dr. Collazo 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 require review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

VII. Adjournment

A motion was made by Dr. Fink and seconded by Dr. Favreau to adjourn the Regular Session Meeting at 2:10 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director