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## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Optometrists  
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### New Jersey State Board of Optometrists

#### Regular Session Minutes

**March 17, 2010**

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A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6<sup>th</sup> floor on Wednesday, March 17, 2010. **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 9:15 A.M. A roll call was taken and the following attendance was recorded:

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

Also present were: **CARMEN RODRIGUEZ, Deputy Attorney General; LISA AFFINITO, Executive Director**

- I. Public Comment**
- II. Approval of Regular Session Minutes**

A. February 17, 2010

A motion was made by Dr. Harfst and seconded by Mrs. Barber to approve the February 17, 2010 Executive Session Minutes as amended. Dr. Desrivieres abstained while all others voted in favor. A motion passed by a majority vote.

- III. Board Review of New Jersey Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 3. General Provision, Subchapter 4. Therapeutic Pharmaceutical Agents (TPA) Certification and Subchapter 5. Fee Schedule**

The Board tabled this matter until its April 21, 2010 meeting.

**IV. New Business**

- A. Inquiry from Robert R. Grill, Director of the New Jersey Motor Vehicle  
RE: Eye examinations

Mr. Grill advised the Board that the Motor Vehicle Commission is considering a new process concerning eye examinations for applicants for a New Jersey operators license. Mr. Grill advised the Board that the applicant would be required to go to a licensed eye doctor and have their vision checked as part of the licensing process. Once the eye examination has been completed the eye doctor would provide the applicant with a letter or form indicating the results of the eye examination and the applicant would present the letter or form to Motor Vehicle.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Mr. Grill that the Board supports their new process. The Board will inform Mr. Grill that they are willing to review any proposed forms that the Motor Vehicle Commission has drafted for this process. A vote was taken and the motion carried by a unanimous vote.

- B. Draft revised application for licensure

The Board reviewed the draft revised application for licensure and considered it informational.

- C. Inquiry from Lisa Fennel Managing Director of the Association of Regulatory  
Boards of Optometry RE: Continuing Education Speaker Qualifications

Ms. Fennel inquired whether the Board had specific requirements regarding qualifications of a continuing education course instructor.

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to advise Ms. Fennel that a continuing education instructor must be an optometrist with at least five years of experience in the lecture subject matter or the instructor must be an individual holding an O.D., M.D., Ph.D. or a substantially equivalent international degree who is either board certified or has special expertise in the lecture subject matter pursuant to N.J.A.C. 13:38-7.8(a). A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Alan B. Schlusel, O.D.  
RE: Advertising

Dr. Schlusel inquired whether advertising a phrase such as, "Center for Excellence" implies superiority like the word, "specialist".

The Board will advise Dr. Schlusel that it would need to review the advertisement and the context in which the phrase is used before the Board could respond to his inquiry.

**V. For Your Information**

- A. Letter of resignation from Richard Favreau, O.D.

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to accept Dr. Favreau's resignation from the Board. Dr. Favreau served on the New Jersey State Board of Optometrists for four years and will be missed. A vote was taken and the motion carried by a unanimous vote.

- B. Letter of resignation from Robert L. Dorio

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to accept Mr. Dorio's resignation from the Board. A vote was taken and the motion carried by a unanimous vote.

- C. New Jersey Board of Medical Examiners'  
February 10, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' February 10, 2010 Open Board Agenda and considered it informational.

- D. New Jersey Board of Medical Examiners'  
February 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' February 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- E. New Jersey Board of Medical Examiners'  
December 9, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' December 9, 2009 Open Board Minutes and considered them informational.

- F. New Jersey Board of Medical Examiners'  
December 9, 2009 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' December 9, 2009 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

- G. New Jersey Board of Medical Examiners'  
March 10, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' March 10, 2010 Open Board Agenda and considered it informational.

- H. New Jersey Board of Medical Examiners'  
March 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' March 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- I. March 4, 2010 Notice from the New Jersey Foundation for Aging  
RE: New law to protect vulnerable seniors

The Board reviewed a notice from the New Jersey Foundation for Aging regarding a new law to protect vulnerable senior citizens 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.

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

Respectfully submitted,

Lisa Affinito  
Executive Director