

**New Jersey State Board of Optometrists
Regular Session Minutes
March 19, 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, March 19, 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 9:30 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. Present
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.

The Board received the obituary of Board Member, Gordon Compton, which indicated that he has been deceased since December of 2006.

I. Public Comment

II. Approval of Regular Session Minutes

A. February 20, 2008

A motion was made by Dr. Harfst and seconded by Mr. Bent to approve the February 20, 2008 Regular Session Minutes as presented. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Morton W. Silverman, O.D.
RE: Continuing Education

Dr. Silverman wrote the Board concerning the lack of continuing education credits available for practice management courses in various states.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Dr. Silverman that pursuant to N.J.A.C. 13:38-7.4(e)7 a New Jersey licensed optometrist can complete and receive 10 continuing professional optometric education credits per biennial renewal period for optometric practice management or managed care courses or programs relating to the practice of optometry which is 20 percent of the required continuing education credits necessary for renewal. A vote was taken and the motion carried by a unanimous vote.

B. E-mail from Porzio Pharmaceutical Services
RE: Prescriptive authority of New Jersey licensed optometrists

Steve Zacarias of Porzio Pharmaceutical Services asked for clarification concerning the prescriptive authority of New Jersey licensed optometrists. Mr. Zacarias also inquired whether New Jersey licensed optometrist prescriptive authority was restricted by a formulary. Mr. Zacarias asked for clarification concerning the

Controlled Dangerous Substance (CDS) schedules in which an optometrist may prescribe and whether an optometrist must register to prescribe CDS with a State CDS agency as well as the Federal Drug Enforcement Administration (DEA). Mr. Zacarias inquired whether New Jersey licensed optometrists can request, receive and distribute sample drugs including controlled substances.

A motion was made by Dr. Harfst and seconded by Mr. Bent to advise Mr. Zacarias that a New Jersey licensed optometrist must be certified to prescribe topical and oral medications by the New Jersey State Board of Optometrists. New Jersey licensed optometrists that are certified to prescribe topical and oral medications are not restricted by a formulary. New Jersey licensed optometrists that are certified to prescribe oral medications must register with a New Jersey State CDS Agency as well as the Federal DEA and can only prescribe from CDS Schedules 3, 4, and 5. The Board will also advise Mr. Zacarias that New Jersey licensed optometrists that are certified to prescribe topical as well as oral medications can request, receive and distribute sample drugs including CDS that are within schedules 3,4, and 5. The Board will further advise Mr. Zacarias that New Jersey licensed optometrists that are only certified to prescribe topical medications cannot request, receive and distribute sample drugs that are CDS. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Michael Benetatos, O.D.
RE: Advertising

Dr. Benetatos inquired whether it was permissible for an optometrist to have a sign, "Eye Doctor", "Eye Glasses" or "Eye Center" to describe an optometric establishment within a shopping center.

A motion was made by Mr. Bent and seconded by Dr. Harfst to advise Dr. Benetatos that it is permissible for an optometrist to have a sign that states, "Eye Glasses" or "Eye Center". It is not permissible for an optometrist to have a sign that states, "Eye Doctor" as the statement is misleading to the public as it does not identify whether it refers to an optometrist or an ophthalmologist. A vote was taken and the motion carried by a unanimous vote.

D. Letter from the Association of Regulatory Boards of Optometry
RE: OE Tracker

John Kohler of the Association of Regulatory Boards of Optometry (ARBO) advised the Board of the National Optometric Data Bank which is a central database for OE Tracker and ARBO's other service programs and provides the boards with the ability to access continuing education hours for their licensees.

Mr. Kohler advised the Board that in order to begin the process the New Jersey State Board of Optometrists would need to verify information on each of its licensed optometrists.

The Board noted that a portion of the licensee information that would need to be verified is confidential and cannot be shared with another agency.

A motion was made by Dr. Harfst and seconded by Mr. Bent to advise Mr. Kohler that the New Jersey State Board of Optometrists will not participate in the OE Tracker program as it cannot release confidential information concerning its licensees. The Board will also advise that the Board is also unable to devote staff time to accomplish the verifications and does not have a system that would accommodate the additional information. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Charles Fitzpatrick, O.D.
RE: Continuing Education

Dr. Fitzpatrick submitted an outline of a course approved by the Council of Optometric Practitioner Education (COPE) and asked the Board to review the course and advise him if the course qualified for Oral TPA credit.

A motion was made by Dr. Harfst and seconded by Mr. Bent to advise Dr. Fitzpatrick that the Board automatically accepts credits from courses approved by COPE. The Board will also advise Dr. Fitzpatrick that if the content of a course concerns oral medication or a portion of the course concerns oral medication, then the

credits or a portion of the credits can be applied towards the 10 Oral TPA credit required for renewal. The Board will further advise Dr. Fitzpatrick that licensees who are selected to participate in the continuing education audit can submit courses and course outlines that have not been pre-approved by the Board and are not approved by COPE and the Board will determine at that time on a case by case basis whether the courses meet the continuing education requirements as set forth in N.J.A.C. 13:38-7.6(a)8 and (d).

F. Letter from Natalie Velazquez, O.D.
RE: Preceptor

Dr. Velazquez advised the Board that she worked in New York for three and a half years and worked in New Jersey for two years and inquired whether she could be a preceptor.

A motion was made by Dr. Harfst and seconded by Mr. Bent that she cannot be a preceptor at this time as it is required that an optometrist be licensed in New Jersey for five years in order to be a preceptor pursuant to N.J.A.C. 13:38-2.12. A vote was taken and the motion carried by a unanimous vote.

G. May 21, 2008 New Jersey State Board of Optometrists Meeting

A motion was made by Dr. Harfst and seconded by Mr. Bent to cancel its May 21, 2008 meeting due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

IV. For Your Information

A. Signed Settlement letter - Glenn A. Neufeld, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Neufeld together with a check in the amount of \$250.00 for violation of N.J.A.C. 13:38-1.2(l) General advertising practices. The Board considers this matter to be concluded.

B. Signed Settlement letter - Michael Levavi, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Levavi for violation of N.J.S.A. 45:12-9.3 Credits necessary and N.J.A.C. 13:38-7.3 Credit hour requirements. The Board will consider this matter concluded once they receive full payment of the \$500.00 civil penalty.

Upon a motion by Dr. Harfst and seconded by Dr. Florio, 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. Two matters filed with the board which requires review and additional recommendations with regard to investigations and/or actions.
2. Three matters where additional information has been submitted to the Board concerning pending investigations.

V. Adjournment

A motion was made by Mr. Bent and seconded by Dr. Harfst to adjourn the Regular Session Meeting at 1:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Leonard Steiner, O.D.
Board President