

# **New Jersey State Board of Optometrists**

## **Regular Session Minutes**

**March 20, 2002**

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 20, 2002. **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 9:09 A.M. A roll call was taken and the following attendance was recorded:

<b>GORDON COMPTON</b>	<b>Present</b>
<b>MITCHELL FINK, O.D.</b>	<b>Present</b>
<b>BARRY SCHNEIDER, O.D.</b>	<b>Present</b>
<b>JOSEPH SCHKOLNICK, O.D.</b>	<b>Present</b>
<b>LEONARD STEINER, O.D.</b>	<b>Present</b>
<b>LEONARD STRULOWITZ, O.D.</b>	<b>Present</b>
<b>RALPH WHITE</b>	<b>Present</b>

Also present were: **SUSAN H. GARTLAND, Executive Director; CARMEN RODRIGUEZ, Deputy Attorney General; DIANNE TAMAROGLIO, Assistant to the Executive Director.**

### **I. Public Comment**

### **II. Approval of Regular Session Minutes**

A. February 20, 2002

A motion was made by Dr. Schneider and seconded by Dr. Fink to accept the February 20, 2002 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

### **III. 1:00 P.M. Hearing In the matter of Harry Levine, O.D.**

A. Letter from Harry Levine, O.D.

RE: Adjournment request for March 20, 2002 Hearing

Dr. Levine wrote the Board and requested an adjournment of the March 20, 2002 Hearing. A motion was made by Mr. Compton and seconded by Dr. Fink to adjourn the March 20, 2002 Hearing in order for Dr. Levine to obtain an attorney. The Hearing will be rescheduled for April 17, 2002. A vote was taken and Dr. Schneider voted in opposition while all others voted in favor.

### **IV. New Business**

A. Memorandum from Anthony Miragliotta, Deputy Director  
RE: Board Member Recusal

The Board reviewed the memorandum from Deputy Director of the Division of Consumer Affairs, Anthony Miragliotta, regarding Board member recusal and considered it informational.

B. S-1089

Synopsis - Allows inactive licensees to complete required continuing education at any time prior to reactivating license.

A motion was made by Dr. Schneider and seconded by Dr. Fink to advise the legislative liaison that the Board opposes Senate Bill 1089 as it would allow an applicant on inactive status to complete his or her continuing education credits any time during the period of inactive status, which could be a five year period, before transferring to active status. The Board is concerned that if the applicant does not complete his or her continuing education credits within a two year period (biennial renewal period) before transferring to active status, the applicant would not be apprised of the most current information within his or her profession which would place the safety and welfare of the consumers of New Jersey at risk. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Christopher Dente, O.D.  
RE: Statutes and Regulations

Dr. Dente wrote the Board regarding whether an optometrist could order specific diagnostic procedures. Dr. Dente also asked the Board whether an optometrist can prescribe topical medications or remove superficial foreign bodies from the eye. A motion was made by Dr. Schneider and seconded by Dr. Strulowitz to advise Dr. Dente that an optometrist can order any diagnostic testing that properly ascertains the diagnosis of any ocular deficiencies, deformities, or diseases as set forth in **N.J.S.A.** 45:12-1. The Board will advise Dr. Dente that according to **N.J.S.A.** 45:12-1 an optometrist can prescribe topical medications and remove superficial foreign bodies from the eye and adnexae. A copy of the most current New Jersey State Board of Optometrists statutes and regulations will be sent to Dr. Dente. A vote was taken and the motion carried by a unanimous vote.

## V. Old Business

A. Memorandum from Anthony Miragliotta, Deputy Director  
RE: Uniform Enforcement Act

The Board reviewed the memorandum from the Deputy Director of the Division of Consumer Affairs, Anthony Miragliotta, regarding the Uniform Enforcement Act and considered it informational.

B. Response from Mark L. Belafsky, M.D.  
RE: Rules and Regulations Governing Boxing in the State of New Jersey

The State Athletic Control Board did not include optometrists for reimbursement for a pre-licensure medical examination (requirement for boxing license). The Board advised the State Athletic Control Board that if an ophthalmological consultation is required, an optometrist should not be excluded from providing that service pursuant to **N.J.S.A.** 45:12-27, *"The testimony and reports of an optometrist licensed to practice in the State shall be received by any State, county, municipal, school district or other public board, body, agency, institution or official and by any private educational or other institution receiving public funds as qualified evidence with respect to any matter within the scope of the practice of optometry as defined in Revised Statutes 45:12-1; and no such board, body, agency, official or institution shall, in retaining and utilizing the*

*professional services of ocular practitioners or in any other manner, discriminate between licensed practitioners of optometry and other ocular practitioners or interfere with any individual's right to free choice of ocular practitioner".*

Dr. Belafsky advised the Board that it was to his understanding that not all optometrists perform dilated examinations. The Board will advise Dr. Belafsky that all licensed optometrist in the State of New Jersey are permitted to perform dilated exams and must dilate a patient when in their professional judgment it is necessary.

#### C. Out of State Dispensers

A motion was made by Dr. Fink and seconded by Mr. Compton to ask the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians for an update on its current position regarding the dispensing of contact lenses through out of state dispensers. A vote was taken and the motion carried by a unanimous vote.

## VI. For Your Information

#### A. Memorandum from the National Board of Examiners in Optometry RE: Statistical Reports

The Board reviewed the memorandum from the National Board of Examiners in Optometry regarding statistical reports and considered it informational.

#### B. Article, "Cloudy Outlook For a Seller Of Contacts" from the New York Times

The Board reviewed the article, "Cloudy Outlook For a Seller Of Contacts" from the New York Times and considered it informational.

#### C. Signed Certification - Kristen Gallo Russo, O.D.

The Board is in receipt of a signed certification from Dr. Russo together with 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**. The Board now considers this matter to be concluded.

#### D. Signed Certification - Neal Braff, O.D.

The Board is in receipt of a signed certification from Dr. Braff together with 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**. The Board now considers this matter to be concluded.

#### E. Final Order of Discipline filed November 14, 2001 in the matter of Steven Zoll, O.D.

The Board is in receipt of a Final Order of Discipline filed November 14, 2001 from Dr. Zoll and a check in the amount of one thousand dollars (\$1,000.00) for failing to satisfy the continuing education credit requirements of **N.J.S.A. 45:12-9.3**. The Board considers this mater to be concluded.

#### F. Association of Regulatory Boards of Optometry's January 2002 issue of The Green Sheet

The Board reviewed the Association of Regulatory Boards of Optometry's January 2002 issue of The Green Sheet and considered it informational.

#### G. Memorandum from Association of Regulatory Boards of Optometry

RE: Joint Exploratory Committee Case Statement

The Board reviewed the memorandum from the Association of Regulatory Boards of Optometry regarding the Joint Exploratory Committee Case Statement and considered it informational.

H. Letter from the American Optometric Association

RE: Report of the actions taken by the Accreditation Council of Optometric Education at its Winter Meeting on February 8-10, 2002

The Board reviewed the letter from the American Optometric Association regarding the report of the actions taken by the Accreditation Council of Optometric Education at its Winter Meeting on February 8-10, 2002 and considered it informational.

## VII. Adjournment

A motion was made by Dr. Schneider and seconded by Mr. White 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

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*Posted June 2002*