

**New Jersey State Board of Optometrists
Regular Session Minutes
March 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, March 21, 2007. 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 9:05 A.M. A roll call was taken and the following attendance was recorded:

PAUL BENT Present
GIGETTE COLLAZO, O.D. Absent
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.

I. Public Comment

II. Approval of Regular Session Minutes

A. February 21, 2007

A motion was made by Dr. Fink and seconded by Mr. Bent to approve the February 21, 2007 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. 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 Dr. Fink and seconded by Dr. Florio to advise Mr. Petsche that optometrists are optometric physicians licensed pursuant to title 45 and must abide by the provisions of the Codey Law. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Frank DeRienzo, O.D. and Bruce Meyer, O.D.
RE: N.J.A.C. 13:38-2.13 Independent doctor of optometry

Dr. DeRienzo and Dr. Meyer asked the Board for clarification concerning N.J.A.C. 13:38-2.13(a)3, "Maintain a separate telephone number".

A motion was made by Mr. Bent and seconded by Dr. Fink to advise Dr. DeRienzo and Dr. Meyer that an optometrist does not need to own a separate telephone number, but must maintain a separate telephone number. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Sandra J. Karlin, National Vision Administrators

RE: Dispensing of polycarbonate lenses for children

Ms. Karlin inquired whether New Jersey has a law or regulation requiring vision providers to dispense polycarbonate lenses to children under the age of twelve.

A motion was made by Dr. Fink and seconded by Mr. Bent to advise Ms. Karlin that the New Jersey State Board of Optometrists' statutes and regulations do not address this issue, but there may be other State or Federal laws that are applicable. A vote was taken and the motion carried by a unanimous vote.

D. Assembly No. 4044 (Synopsis - "New Jersey Health Information Technology Promotion Act"; establishes New Jersey Health Information Technology Commission and provides for Statewide health information technology plan.) - Introduced February 26, 2007

A motion was made by Dr. Florio and seconded by Mr. Bent to advise the legislative liaison for the Division of Consumer Affairs that the Board does not support A-4044 as the economic impact to the professional Boards may be excessive, the language is broad which makes it difficult to determine who is being benefited by this bill, and the 21 member board does not include a representative from the optometry profession and excludes many other health care professionals. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Edward Cogan, O.D.

RE: Continuing Education

Dr. Cogan wrote the Board advising it that he had obtained 7.5 continuing education credits towards the 50 necessary for renewal and requesting a waiver of the remaining 42.5 continuing education credits due to his medical condition. Dr. Cogan did not supply the Board with a letter from his physician concerning his medical condition.

A motion was made by Mr. Bent and seconded by Dr. Favreau to request that Dr. Cogan provide it with a letter from his treating physician of the background and status of his medical condition. The Board will also request that Dr. Cogan provide it with a notarized statement concerning the amount of time he has practiced optometry during the time he has been diagnosed and treated for his medical condition. The Board will remind Dr. Cogan that he must answer the question, "Will you have completed the required continuing education credits by April 30, 2007?" truthfully on his renewal form. A vote was taken and the motion carried by a unanimous vote.

F. Letter from Nancy Laifer, O.D.

RE: Continuing Education

Dr. Laifer provided the Board with proof of attendance for an infectious disease control course she took on October 4, 2006 that was not pre-approved by the Board but a requirement for license renewal in the State of New York and is not COPE (Council of Optometric Practitioner Education) approved. Dr. Laifer asked whether the Board would approve this course.

A motion was made by Mr. Bent and seconded by Dr. Fink to advise Dr. Laifer that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board or approved by COPE and the Board will determine at that time on a case by case basis whether the courses meet the requirements set forth in N.J.A.C. 13:38-7.4 et seq and may be granted credit. A vote was taken and the motion carried by a unanimous vote.

G. Letter from Robert Harmon, O.D.

RE: Credentialing Coursework

Dr. Harmon wrote the Board concerning the 32 hour course for oral therapeutic pharmaceutical agent certification that was sponsored by the New Jersey Society of Optometric Physicians and administered by the Pennsylvania College of Optometry and State University of New York (SUNY) College of Optometry in New Jersey from

January 27, 2007 through March 4, 2007.

A motion was made by Dr. Fink and seconded by Dr. Florio to advise Dr. Harmon that the Pennsylvania College of Optometry and State University of New York (SUNY) College of Optometry will continue to offer and administer the credentialing coursework provided there are a sufficient number of registrants. The Board will advise Dr. Harmon that he should contact either the Pennsylvania College of Optometry or the State University of New York (SUNY) College of Optometry for information concerning future dates that the coursework will be held. A vote was taken and the motion carried by a unanimous vote.

H. Letter from James Selph, O.D.
RE: Continuing Education

Dr. Selph wrote the Board and requested a waiver of the continuing education requirement for renewal of his optometric license due to his medical condition. Dr. Selph also inquired whether a New Jersey licensed optometrist on inactive status could employ New Jersey licensed optometrists on active status.

A motion was made by Dr. Fink and seconded by Mr. Bent to request that Dr. Selph provide the Board with the number of continuing education credits he obtained from May 1, 2005 through the present. The Board will request that Dr. Selph provide it with a letter from his treating physician of the background and status of his medical condition. The Board will also request that Dr. Selph provide it with a notarized statement concerning the amount of time he has practiced optometry during the time he has been diagnosed and treated for his medical condition. The Board will remind Dr. Selph that he must answer the question, "Will you have completed the required continuing education credits by April 30, 2007?" truthfully on his renewal form. A vote was taken and the motion carried by a unanimous vote.

The Board will address Dr. Selph's question concerning whether a New Jersey licensed inactive optometrist on inactive status could employ New Jersey licensed optometrists on active status when it receives the above mentioned additional information from Dr. Selph.

I. May 23, 2007 New Jersey State Board of Optometrists Meeting

A motion was made by Mr. Bent and seconded by Dr. Fink to change the May 23, 2007 meeting date from May 23, 2007 to May 9, 2007 due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

J. July 18, 2007 New Jersey State Board of Optometrists Meeting

A motion was made by Mr. Bent and seconded by Dr. Fink to cancel its July 18, 2007 meeting due to a lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

IV. For Your Information

A. Thank you note from Danielle Swenson

The Board reviewed the thank you note from Danielle Swenson, the Board's former Regulatory Analyst.

B. Social Security Administration Final Rules on Optometrists as "Acceptable Medical Sources"

The Board reviewed the Social Security Administration Final Rules on Optometrists as "Acceptable Medical Sources" and considered it informational.

C. Notification from the American Optometric Association

RE: Report of Actions of the Accreditation Council on Optometric Education at the ACOE Winter Meeting (February 9-11, 2007)

The Board reviewed the notification from the American Optometric Association regarding a report of actions of

the Accreditation Council on Optometric Education at the ACOE Winter Meeting and considered it informational.

D. Office of The Governor
Governor Jon S. Corzine
Executive Order No. 51(2007)
Establishment of the Appointments Office
Interactive Electronic Database
From the March 5, 2007 New Jersey Register

The Board reviewed Executive Order No. 51(2007) and considered it informational.

E. Office of the Governor
Governor Jon S. Corzine
Executive Order No.52(2007)
Annual Review of State Boards to identify Potential Areas for
Elimination, Consolidation and/or Improvement
From the March 5, 2007 New Jersey Register

The Board reviewed Executive Order No. 52(2007) and considered it informational.

F. New Jersey State Board of Medical Examiners
January 10, 2007 Open Board Minutes

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

G. 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.

H. New Jersey State Board of Medical Examiners
March 14, 2007 Open Board Agenda

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

I. New Jersey State Board of Medical Examiners
March 14, 2007 Disciplinary Matters Pending Conclusion

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Upon a motion made by Dr. Favreau and seconded by Dr. Fink, the Board voted to go into Executive Session to discuss the following matters involving investigations or violations to 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. Four matters where additional information has been submitted to the Board concerning pending investigations.

V. Adjournment

A motion was made by Dr. Favreau and seconded by Mr. Bent 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,

Susan H. Gartland
Executive Director