

**New Jersey State Board of Optometrists**  
**Regular Session Minutes**  
**April 13, 2005**

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, April 13, 2005. 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 9:00 A.M. A roll call was taken and the following attendance was recorded:

GIGETTE COLLAZO, O.D. Present  
GORDON COMPTON Present  
MITCHELL FINK, O.D. Present  
JOHN FLORIO, O.D. Present  
MAYOR JAMES GUIDA Present  
JOSEPH SCHKOLNICK, 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; DWAYNE WILLIAMS, Government Representative

Christopher Quinn, O.D. and Daniel Desrivieres, O.D. attended the Public Session Meeting. Bryan Markowitz, Executive Director of the New Jersey Society of Optometric Physicians attended the Public Session Meeting.

### **I. Public Comment**

Dr. Quinn commented that a statement was made at the Board's March 16, 2005 meeting that the absence of a formulary in the legislature's language did not necessarily mean that the legislature did not intend for a formulary to be assembled and he feels to the contrary.

Dr. Desrivieres commented on the concept of a formulary and gave examples with specific medications on how a formulary would be a danger to the public as optometrists would be limited to medications on the formulary and would not be treating to the highest level which is the accepted standard of care. The Board advised Dr. Desrivieres that he should put his comment in writing and forward it to the Board including the examples that he gave with his comment. Mr. Markowitz commented that the interim panel overstepped its statutory charge, "to prepare or endorse credentialing requirements" when it included outstanding issues for Board consideration in its report. Mr. Markowitz further commented that the legislature's intent was not to include a formulary as a formulary would potentially deprive patients of needed treatments that currently exist or may be developed in the future. Mr. Markowitz advised the Board that he could provide information regarding the intent of the legislature if necessary.

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

A. March 16, 2005

A motion was made by Dr. Collazo and seconded by Dr. Steiner to accept the March 16, 2005 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

### **III. New Business**

A. Assembly, No. 3905

(Synopsis - Increases maximum permitted fee differential in optometric continuing education programs charged by professional associations to non-members.) Introduced March 7, 2005

A motion was made by Dr. Steiner and seconded by Dr. Florio to advise its legislative liaison that the Board strongly supports A-3905. A vote was taken and the motion carried by a unanimous vote.

B. Letter from the New Jersey Society of Optometric Physicians  
RE: Comments on the Ocular Pharmacology Panel report

The Board will provide a copy of the New Jersey Society of Optometric Physicians's letter to the Committee of the Board assigned to assist Danielle Swenson, Regulatory Analyst, to consider in drafting amendments to the existing optometric regulations as a result of the changes in optometric law. The Committee will present its recommendations to the Board at the May 18, 2005 Board meeting.

C. New Jersey Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians Proposed Readoption with Recodifications and Amendments: N.J.A.C. 13:33  
Proposed Repeals: N.J.A.C. 13:33-1.19 and 1.35

The Board will review the New Jersey Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians Proposed Readoption with Recodifications and Amendments: N.J.A.C. 13:33 and Proposed Repeals: N.J.A.C. 13:33-1.19 and 1.35 at its May 18, 2005 Board meeting.

#### **IV. Old Business**

A. Response from Anthony F. Di Stefano, O.D., Vice President of the Pennsylvania College of Optometry RE: Credentialing hours

The Board tabled this matter until its May 18, 2005 Board meeting as they are waiting for a response from the Ernest Mario School of Pharmacy, Rutgers, State University of New Jersey concerning credentialing hours. The Board will provide a copy of Dr. Di Stefano's response to the Committee of the Board assigned to assist Danielle Swenson, Regulatory Analyst, in drafting amendments to the existing optometric regulations as a result of the changes in optometric law. The Committee will present its recommendations to the Board at the May 18, 2005 Board meeting.

B. Response from Steven H. Schwartz, O.D., Vice President of the State University of New York College of Optometry  
RE: Credentialing hours

The Board tabled this matter until its May 18, 2005 meeting. The Board will provide a copy of Dr. Schwartz's response to the Committee.

C. Recommendations from the Ocular Pharmacology Panel  
- Pending from the March 16, 2005 meeting

+ The Board will further discuss this matter at its May 18, 2005 meeting.

#### **V. For Your Information**

A. List of officers/directors/ and shareholders of the corporation Edward Ruvio Licensed Optometrist submitted by Edward Ruvio, O.D.

The Board reviewed the list of shareholders, directors, and officers of Edward Ruvio Licensed Optometrist and considered it informational.

B. The State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians's March 9, 2005 Public

## Session Agenda and January 12, 2005 Public Session Minutes

The Board reviewed the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians's March 9, 2005 Public Session Agenda and January 12, 2005 Public Session Minutes and considered them informational.

### C. Signed Assurance of Voluntary Compliance letter

#### 1. Bruce Weng, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Bruce Weng, O.D. for violation of N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Maisel. The Board considers this matter to be concluded.

### D. E-mail from Donald J. Cinotti, M.D.

RE: Oral Medications

The Board reviewed an e-mail from Donald J. Cinotti, M.D. to the Board of Optometrists's Executive Director, Susan H. Gartland, concerning problems with oral medications that will be prescribed by optometrists and considered it informational.

## **VI. Adjournment**

A motion was made by Dr. Steiner and seconded by Dr. Collazo to adjourn the Regular Session Meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland  
Executive Director