

# **New Jersey State Board of Optometrists**

## **Regular Session Minutes**

**April 17, 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, April 17, 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 9:10 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; LISA PETROWSKI, Assistant to the Executive Director.**

### **I. Public Comment**

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

A. March 20, 2002

A motion was made by Dr. Strulowitz and seconded by Mr. Compton to accept the March 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 motion was made by Dr. Schneider and seconded by Dr. Fink to adjourn the April 17, 2002 Hearing as the Prosecuting D.A.G., Kenneth Spassione, was involved in a car accident and was not able to be present for the Hearing. The Hearing will be rescheduled for May 15, 2002. A vote was taken and the motion carried by a unanimous vote.

### **IV. New Business**

A. Memorandum from the 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. A motion was made by Dr. Schneider and seconded by Dr. Fink to oppose the merger of the Association of Regulatory Boards of Optometry and the National Board of Examiners in Optometry in the current form recommended in the Joint Exploratory Committee Case Statement. A vote was taken and the motion carried by a unanimous vote.

B. Letter from David Carotenuto, O.D.

RE: N.J.S.A. 45:12-19.2

Dr. Carotenuto wrote the Board and inquired whether it would be a conflict with N.J.S.A. 45:12-19.2 if an optometrist joined a promotion that would be offered to the employees of large companies and organizations which involved employee discount cards. The card would include the name, address, and phone number of the optometrist with the caption, "15% off a complete pair of glasses". A motion was made by Dr. Schneider and seconded by Dr. Fink to advise Dr. Carotenuto that an optometrist would not be permitted to join a promotion of this type according to N.J.S.A. 45:12-19.2, "It shall be unlawful for any person, association or corporation to issue cards offering free eye examinations or eye examinations for any price, or eye examinations at a discount or offering special rates or discounts for eyeglasses". A vote was taken and the motion carried by a unanimous vote.

C. Letter from the National Board of Examiners in Optometry

RE: The National Board of Examiners in Optometry and the Association of Regulatory Boards of Optometry eighth annual workshop (June 23, 2002)

A motion was made by Dr. Schneider and seconded by Mr. Compton to send the President, Leonard Steiner, O.D., and the Executive Director, Susan H. Gartland, to the National Board of Examiners in Optometry's informational session and the Association of Regulatory Boards of Optometry's eighth annual meeting. A vote was taken and the motion carried by a unanimous vote.

D. Letter from Steven I. Kern, Esq.

RE: Order to Reinstate License filed August 8, 2000

In the matter of Howard Novie, O.D.

A motion was made by Dr. Schneider and seconded by Mr. Compton to go into Executive Session to discuss Mr. Kern's letter regarding the Order to Reinstate License filed August 8, 2000 in the matter of Howard Novie, O.D. and to seek legal advice from Carmen Rodriguez, D.A.G.

After discussion the Board returned to Public Session to continue the meeting. A motion was made by Dr. Schneider and seconded by Dr. Fink to allow Carmen Rodriguez, D.A.G. to negotiate a settlement with Dr. Novie's attorney, Steven I. Kern, Esq. In the event this matter cannot be settled, it will be brought back to the Board for it's decision regarding modification to the Order to Reinstate License. A vote was taken and the motion carried by a unanimous vote.

E. Continuing Education Sponsors

The Continuing Professional Optometric Education regulation became effective April 1, 2002. The continuing education sponsors were notified in April of 2002 of N.J.A.C. 13:38-7.4(d), "Sponsors submitting applications for pre-approval of continuing professional optometric education programs or courses which award three credits or less shall submit to the Board, on a form provided by the Board, no less than 45 days prior to the date the program or course is to be offered. Such courses or programs shall be in compliance with N.J.A.C. 13:38-7.8 and cover topics outlined at (a) above." A motion was made by Dr. Schneider and seconded by Dr. Fink to approve the following courses: Phillips Eye Foundation course scheduled for April 22, 2002; Camden Eye Center and West Jersey Society of Optometric Physicians scheduled for April 15, 2002;

Northern N.J. Eye Institute scheduled for May 15, 2002; and the Cornea Laser Eye Institute scheduled for May 19, 2002 for credit although they were not submitted to the Board 45 days prior to the date the course is being offered as the sponsors were only notified in early April of 2002 of the new regulation. A vote was taken and the motion carried by a unanimous vote.

## **V. Old Business**

A. Response from Glen Blustein, O.D.  
RE: Contact Lens Dispensing

Dr. Blustein responded to the Board's request for additional information regarding his involvement in the business end of a contact lens company. This matter was transferred to Executive Session for further investigation.

## **VI. For Your Information**

A. Memorandum from the National Board of Examiners in Optometry  
RE: Score Reports for 2002 Graduates

The Board reviewed the memorandum from the National Board of Examiners in Optometry regarding the score reports for 2002 graduates and considered it informational.

B. List of officers/directors and shareholders of Omni Eye Specialist, P.A. from Christopher Quinn, O.D.

The Board reviewed the list of officers/directors and shareholders of Omni Eye Specialist, P.A. and considered it informational.

C. Article, "Device, punctum plugs may work in tandem to improve LASIK outcomes" from the March 11, 2002 issue of the American Optometric Association News

The Board reviewed the article, "Device, punctum plugs may work in tandem to improve LASIK outcomes" from the March 11, 2002 issue of the American Optometric Association News and considered it informational.

D. Article, "California AG sues Pearle over OD working conditions" from the March 11, 2002 issue of the American Optometric Association News

The Board reviewed the article, "California AG sues Pearle over OD working conditions" from the March 11, 2002 issue of the American Optometric Association News and considered it informational.

E. Article, "Conferees mull merging ARBO and NBEO and effect on profession" from the March 25, 2002 issue of the American Optometric Association News

The Board reviewed the article, "Conferees mull merging ARBO and NBEO and effect on profession" from the March 25, 2002 issue of the American Optometric Association News and considered it informational.

F. Article, "8 states moving children's vision bills" from the March 25, 2002 issue of the American Optometric Association News

The Board reviewed the article, "8 states moving children's vision bills" from the March 25, 2002 issue of the American Optometric Association News and considered it informational.

## VII. Adjournment

A motion was made by Dr. Schneider and seconded by Dr. Fink to adjourn the Regular Session Meeting at 2:45 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*