

**NEW JERSEY STATE BOARD OF OPTOMETRISTS
REGULAR SESSION MINUTES**

APRIL 21, 2004

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 21, 2004. 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
JOSEPH SCHKOLNICK, O.D. Present
LEONARD STEINER, O.D. Present
LEONARD STRULOWITZ, O.D. Present
RALPH WHITE 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. March 17, 2004

A motion was made by Dr. Collazo and seconded by Dr. Steiner to accept the March 17, 2004 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Jennifer Parker, Director of Administration of the Council of Optometric Practitioner Education (COPE) RE: Request for New Jersey State Board approval of COPE Course Reviewer Norman Einhorn, O.D.

The Continuing Education Committee found a course outline submitted by Dr. Einhorn for Board approval to be inadequate for the amount of credits the sponsor was requesting. A motion was made by Mr. Compton and seconded by Dr. Collazo to advise Dr. Einhorn that the Board has concerns regarding his course outline submission and will request that Dr. Einhorn supply them with an explanation as to why the Board should approve him as a COPE course reviewer. A vote was taken and the motion carried by a unanimous vote.

B. 2003 Report on Complication(s) Due to Contact Lenses Dispensed Without a Valid Prescription from the Association of Regulatory Boards of Optometry, Inc.

The Board reviewed the 2003 Report on Complication(s) Due to Contact Lenses Dispensed Without a Valid Prescription from the Association of Regulatory Boards of Optometry, Inc. and considered it informational.

C. Association of Regulatory Boards of Optometry Annual Meeting

The Board voted at its February 18, 2004 meeting to send the President, Mitchell Fink, O.D., and Executive Director, Susan Gartland, to the Association of Regulatory Boards of Optometry's 2004 Annual Meeting. Dr. Fink advised the Board that he will not be able to attend the meeting. A motion was made by Dr. Steiner and seconded by Mr. White to send Board member, Leonard Strulowitz, O.D., and Executive Director, Susan Gartland, to the meeting. In the event that Dr. Strulowitz cannot attend, Executive Director Gartland will be the delegate on behalf of the New Jersey State Board of Optometrists. A vote was taken and the motion carried by a unanimous vote.

D. Memorandum from Tonia Knoll, Executive Officer of the Office of Drug Control/ Drug Control Unit RE: Design "Uniform Prescription Blank" exclusively for use when prescribing contact lenses

After the Board reviewed the draft "Uniform Prescription Blank" for prescribing contact lenses, a motion was made by Mr. White and seconded by Mr. Compton to advise Ms. Knoll that the Board approves of the draft "Uniform Prescription Blank" with some recommended minor changes. The Board will further advise Ms. Knoll that they do not find it necessary to mandate that the prescription blank be used exclusively for contact lenses. A vote was taken and the motion carried by a unanimous vote.

IV. Old Business

A. Response from George M. Harbeck, Diversion Program Manager from the Drug Enforcement Administration RE: DEA numbers

Mr. Harbeck advised the Board that the Drug Enforcement Administration cannot grant a DEA registration number to optometrists if they do not have corresponding state authority as that is a legal pre-requisite. A motion was made by Dr. Steiner and seconded by Dr. Strulowitz to request the legal citation of the pre-requisite. A vote was taken and the motion carried by a unanimous vote.

V. For Your Information

A. Notification from Jeff S. Masin, Deputy Director of the Office of Administrative Law RE: Honorable Laura Sanders was sworn in on February 20, 2004 as Director and Chief Administrative Law Judge of the Office of Administrative Law

The Board reviewed the notification from Jeff S. Masin, Deputy Director of the Office of Administrative Law concerning the Honorable Laura Sanders being sworn in on February 20, 2004 as Director and Chief Administrative Law Judge of the Office of Administrative Law and considered it informational.

B. List of officers/directors and shareholders of Charles Cummins, O.D. PA

The Board reviewed the list of officers/directors and shareholders of Charles Cummins, O.D. PA and considered it informational.

C. List of officers/directors and shareholders of Edward Ruvio Licensed Optometrist

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

D. March, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the March, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

E. April, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the April, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

F. New Jersey Society of Optometric Physicians' answers to frequently asked questions about the Fairness to Contact Lens Consumers Act

The Board reviewed the New Jersey Society of Optometric Physicians' answers to frequently asked questions about the Fairness to Contact Lens Consumers Act and considered it informational.

G. Signed Assurance of Voluntary Compliance letters

1. Samuel Singer, O.D.

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

2. Colleen Schubel, O.D.

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

3. Andrew Franson, O.D.

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

4. Jeffrey Cohen, O.D.

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

5. Burton Martinique, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Burton Martinique, O.D. for violation of N.J.A.C. 13:38-2.4(e) Requirements for issuing prescriptions and dispensing of medications. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Martinique. The Board considers this matter to be concluded.

H. Signed Certification - Spiro Antonacos, O.D.

The Board is in receipt of a signed certification from Dr. Antonacos 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(l) General advertising practices. The Board considers this matter to be concluded.

VI. Adjournment

A motion was made by Dr. Steiner and seconded by Mr. White to adjourn the Regular Session Meeting at 3:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director
