



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Optometrists  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



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### New Jersey State Board of Optometrists

#### Regular Session Minutes

**May 19, 2010**

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A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 3<sup>rd</sup> floor on Wednesday, May 19, 2010. **Mitchell Fink, O.D., President of the Board**, announced that pursuant to the Open Public Meetings Act 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 9:12 A.M. A roll call was taken and the following attendance was recorded:

<b>CLARIBEL AZCONA-BARBER</b>	<b>Present</b>
<b>DANIEL DESRIVIERES</b>	<b>Present</b>
<b>GIGETTE COLLAZO HARFST, O.D.</b>	<b>Present</b>
<b>MITCHELL FINK, O.D.</b>	<b>Present</b>
<b>JOHN FLORIO, O.D.</b>	<b>Present</b>

Also present were: **CARMEN RODRIGUEZ, Deputy Attorney General; LISA AFFINITO, Executive Director**

**Members of the public:** Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians

#### **I. Public Comment**

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

A. April 21, 2010

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to approve the April 21, 2010 Public Session Minutes as presented. A vote was taken and the motion carried by a unanimous vote.

#### **III. Board Review of New Jersey Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 6. Records and Subchapter 7. Continuing Professional Optometric Education**

The Board completed their review of Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 6. Records for Sunsetting and made recommendations for additional language or clarification of existing language. The Board

will review Administrative Code Title, Chapter 38 New Jersey State Board of Optometrists Subchapter 7. Continuing Professional Optometric Education at its June 16, 2010 meeting.

Deborah Shane-Held, Regulatory Analyst, met with the Board to discuss Executive Order 2 which requires all State agencies to "identify those regulations and processes that impede responsible economic development..."

A motion was made by Dr. Desrivieres and seconded by Dr. Harfst to repeal from Subchapter 5. Fee Schedule, N.J.A.C. 13:38-5.1 (a) 13. Endorsement fee and 15. Letter of certification: ii Continuing education credit, as the Board no longer utilizes these fees. A vote was taken and the motion carried by a unanimous vote.

#### **IV. New Business**

- A. Letter from Robin Greenfield, O.D.  
RE: Purchasing an Optometric Practice

Dr. Greenfield informed the Board that she will be purchasing an established practice in New Jersey. Dr. Greenfield inquired whether she was permitted to maintain the name of the practice which contains the initials of the previous owner even though the previous owner will no longer be practicing after she purchases the practice.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Dr. Greenfield that pursuant to N.J.A.C. 13:38-1.2 (g) she could use the prior optometrist's name in advertisements for not more than two years from the date of succession. A vote was taken and the motion carried by a unanimous vote.

- B. Optometric license application - David Glassco, O.D.

Upon review of Dr. Glassco's application, the Board noted that although Dr. Glassco did not take Part III of the National Board of Examiners in Optometry, he did take and pass the Ohio State Board written and practical exam.

A motion was made by Dr. Harfst and seconded by Mrs. Barber to accept the practical portion of the Ohio State Board's exam as equivalent to Part III. A vote was taken and the motion carried by a unanimous vote.

- C. Inquiry from Sharon Horn  
RE: Patanase Nasal Spray

Ms. Horn inquired whether New Jersey licensed optometrists can prescribe or sample Patanase Nasal Spray.

A motion was made by Dr. Florio and seconded by Dr. Desrivieres to provide Ms. Horn with a copy of N.J.S.A. 45:12-1 Practice of optometry defined. A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Alahyar Nissany, O.D.  
RE: Credentialing course

Dr. Nissany advised the Board that he is interested in becoming certified to prescribe topical and oral medication in the State of New Jersey. Dr. Nissany provided the Board with a course that the State of Oregon offers which is 23 hours of didactic course with a test at the end. Dr. Nissany asked the Board to review the course content and advise him if the completion of this course would qualify him to become certified to prescribe topical and oral medications in New Jersey.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Dr. Nissany that the course that the State of Oregon offers does not meet the minimum 30 hour requirement or the specific topics in N.J.A.C. 13:38-4.3(b)2, therefore, taking and passing this course does not qualify him to become TPA certified in New Jersey. A vote was taken and the motion carried by a unanimous vote.

- E. July 21, 2010 and August 18, 2010 New Jersey State Board of Optometrists Meetings

A motion was made by Dr. Harfst and seconded by Dr. Florio to adjourn the Board's July 21, 2010 and August 18, 2010 meetings due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

**V. For Your Information**

- A. Notice from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians RE: Cancellation of its May meeting and rescheduling of its June meeting

The Board reviewed the notice from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians regarding the cancellation of its May meeting and rescheduling of its June meeting and considered it informational.

- B. New Jersey Board of Medical Examiners  
May 12, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners May 12, 2010 Open Board Agenda and considered it informational.

- C. New Jersey Board of Medical Examiners  
May 12, 2010 Open Board Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners May 12, 2010 Open Board Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- D. New Jersey Board of Medical Examiners  
March 10, 2010 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners March 10, 2010 Open Board Minutes and considered them informational.

- E. New Jersey Board of Medical Examiners  
March 10, 2010 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners March 10, 2010 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

- F. Bill signed by Governor Chris Christie
  - S936/A2297 Requires consumer complaints to licensing boards of regulated professions to be resolved within 120 days

The Board reviewed a bill signed by Governor Chris Christie which requires consumer complaints to licensing boards of regulated professions to be resolved within 120 days and considered it informational.

- G. Bill signed by Governor Chris Christie
  - S812/A1756 Concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens.

The Board reviewed a bill signed by Governor Chris Christie which concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens and considered it informational.

- H. First Quarter January 1, 2010 - March 31, 2010 Legislative Report

The Board reviewed the first quarter legislative report and considered it informational.

Upon a motion made by Dr. Harfst and seconded by Mrs. Barber, the Board voted to go into Executive Session to discuss the following matters involving investigations or violations of 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.

**VI. Adjournment**

A motion was made by Dr. Harfst and seconded by Mrs. Barber 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,

Lisa Affinito  
Executive Director