

**New Jersey State Board of Optometrists  
Regular Session Minutes  
May 20, 2009**

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, May 20, 2009. 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 9:10 A.M. A roll call was taken and the following attendance was recorded:

PAUL BENT Present  
GIGETTE COLLAZO HARFST, O.D. Present  
RICHARD FAVREAU, O.D. Absent  
MITCHELL FINK, O.D. Present  
JOHN FLORIO, O.D. Present  
LEONARD STEINER, O.D. Absent

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

I. Public Comment

II. Approval of Regular Session Minutes

A. March 18, 2009

A motion was made by Dr. Harfst and seconded by Mr. Bent to approve the March 18, 2009 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Richard Favreau, O.D.  
RE: Continuing Education

Dr. Favreau wrote the Board advising it that he had obtained 40 continuing education credits towards the 50 necessary for renewal and inquired whether the Board would permit him to complete the remaining 10 continuing education credits from internet and/or correspondence courses due to his medical condition. Dr. Favreau provided the Board with a letter from his physician concerning his medical condition.

A motion was made by Dr. Harfst and seconded by Mr. Bent to grant Dr. Favreau a 90 day extension to complete the remaining 10 outstanding continuing education credits. The Board will also permit Dr. Favreau to complete the remaining 10 continuing education credits from internet and/or correspondence courses. A vote was taken and the motion carried by a unanimous vote.

B. Division of Consumer Affairs  
State Board of Examiners of Ophthalmic Dispensers  
and Ophthalmic Technicians  
Fee Schedule; Registration of Out-Of-State Replacement  
Contact Lenses Sellers  
Proposed Amendment: N.J.A.C. 13:33-8.8  
Proposed New Rules: N.J.A.C. 13:33-9  
From the April 20, 2009 New Jersey Register

A motion was made by Mr. Bent and seconded by Dr. Harfst to advise the New Jersey State Board of

Examiners of Ophthalmic Dispensers and Ophthalmic Technicians that the New Jersey State Board of Optometrists supports the proposed amendment N.J.A.C. 13:33-8.8 and the proposed new rules N.J.A.C. 13:33-9 as it protects and benefits the consumers of New Jersey. A vote was taken and the motion carried by a unanimous vote.

C. Division of Consumer Affairs

New Jersey Board of Examiners of Ophthalmic Dispensers  
and Ophthalmic Technicians

Record of Prescriptions Filled; Measurements

Proposed Amendment: N.J.A.C. 13:33-5.1

Proposed New Rule: N.J.A.C. 13:33-5.9

From the April 6, 2009 New Jersey Register

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians that the New Jersey State Board of Optometrists opposes N.J.A.C. 13:33-5.9(d) as written as it is in direct conflict with its regulation at N.J.A.C. 13:38-2.11 which has been in effect since 1999. The Board of Optometrists recommends the language in N.J.A.C. 13:33-5.9 (d) be amended to state, "Any person using the equipment set forth in ( c ) above to obtain for the purpose of fabricating, dispensing, verifying, or duplicating a lens or pair of eyeglasses shall be deemed to be practicing ophthalmic dispensing and ophthalmic technicianry unless supervised by a New Jersey licensed physician or optometrist. A vote was taken and the motion carried by a unanimous vote.

D. Letter from the Association of Regulatory Boards of Optometry

RE: Council of Optometric Practitioner Education (COPE) Reviewer

The Association of Regulatory Boards of Optometry requested the Board's approval of Jason Rinehart, O.D. as a COPE Course Reviewer.

A motion was made by Dr. Harfst and seconded by Mr. Bent to advise the Association of Regulatory Boards of Optometry that it approves of Jason Rinehart, O.D. As a COPE Course Reviewer. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Dr. Helene Kaiser from the Pennsylvania College of Optometry

RE: Preceptorship

Dr. Kaiser provided the Board with information concerning the Pennsylvania College of Optometry's Clerkship program. Dr. Kaiser advised the Board that a New Jersey licensed optometrist is interested in working with the Clerkship program. Dr. Kaiser also inquired whether N.J.A.C. 13:38-2.12 Preceptorship program would apply to the Clerkship program regulation.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Dr. Kaiser that N.J.A.C. 13:38-2.12 Preceptorship would not apply to the Clerkship program as this regulation applies to fourth year students. The Board will also advise Dr. Kaiser that it does not object to the New Jersey licensed optometrist's participation in Pennsylvania College of Optometry's Clerkship program based upon the information Dr. Kaiser provided as the optometrist is permitted to delegate the tasks outlined in the program. A vote was taken and the motion carried by a unanimous vote.

F. Letter from S. Moshe Roth, O.D.

RE: Scope of Practice

Dr. Roth informed the Board that he is being asked by an insurance company for validation that CPT codes 97112 and 97530 are within the scope of practice of optometry. Dr. Roth also stated that he applies these codes when patients are in need of vision therapy. Dr. Roth understands that the Board no longer keeps a CPT code list but asked whether CPT codes 97112 and 97530 are within the scope of practice of

optometry.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Dr. Roth that the Board does not approve the use of specific CPT codes nor does it maintain a CPT code list. The Board will further advise Dr. Roth that vision therapy is within the scope of practice of optometry. A vote was taken and the motion carried by a unanimous vote.

#### IV. For Your Information

##### A. New Jersey Board of Medical Examiners'

May 13, 2009 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' May 13, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

##### B. New Jersey Board of Medical Examiners'

March 11, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' March 11, 2009 Open Board Minutes and considered them informational.

##### C. Information from the North Carolina State Board

RE: Board Certification

The Board reviewed information from the North Carolina State Board concerning board certification and considered it informational.

Upon a motion made by Dr. Harfst and seconded by and seconded by Dr. Florio, 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. Eleven matters filed with the Board which requires review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

#### V. Adjournment

A motion was made by Dr. Harfst and seconded by Mr. Bent to adjourn the Regular Session Meeting at 2:15 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito

Executive Director