

**New Jersey State Board of Optometrists  
Regular Session Minutes  
May 21, 2003**

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 21, 2003. **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 9:15 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.	Absent
RALPH WHITE	Left at 1:00 P.M.

**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. April 16, 2003**

A motion was made by Mr. Compton and seconded by Dr. Schkolnick to accept the April 16, 2003 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

## **III. New Business**

### **A. Letter from Jason Winterbottom, O.D.**

#### **RE: Military Service**

Dr. Winterbottom inquired whether he would be exempt from paying the renewal fees in accordance with **N.J.A.C.** 13:38-3.3 as he is an active member of the New Jersey Air National Guard. Dr. Winterbottom further explained that he is currently on active duty and "performs classic guard time and intermittent military time when needed". A motion was made by Dr. Fink and seconded by Dr. Collazo to advise Dr. Winterbottom that he would not be exempt from paying the renewal fees as he is not engaged in active duty in the military on a full time basis. A vote was taken and the motion carried by a unanimous vote.

### **B. Letter from Bryan Markowitz, Executive Director of the New Jersey Society of Optometric Physicians RE: Codes within the scope**

The New Jersey Society of Optometric Physicians wrote the Board and asked whether CPT code 0025T and 65435 could be added to the Board's approved CPT Code list. A motion was made by Dr. Fink and seconded by Mr. Compton to add CPT code 0025T and 65435 to the New Jersey State Board of Optometrists approved CPT Code list. A vote was taken and the motion carried by a unanimous vote.

**C. Letter from Henry E. Parker, O.D.**

**RE: Explanation of answer on renewal**

Dr. Parker advised the Board that he had a traffic violation that has not been resolved and, therefore, answered, "yes" to question number 5 which inquires whether a licensee has been arrested, charged or convicted of any crime or offense, including traffic offenses, that they have not already reported to the board since their last renewal. A motion was made by Dr. Schkolnick and seconded by Dr. Fink to table this matter until they receive notification of the outcome. A vote was taken and the motion carried by a unanimous vote.

**D. Letter from Harold Wiener, O.D. and Marc Wiener, O.D.**

**RE: Prescription for oral vitamins**

Drs. Wiener inquired whether an optometrist could prescribe oral vitamins that are only available by prescription. The Board will advise Drs. Wiener that it is not within the scope of practice of an optometrist to prescribe oral vitamins that are available by prescription only.

**E. Letter from Janet Onufer, O.D.**

**RE: Continuing Education Requirement**

Dr. Onufer wrote the Board advising them that she had obtained 30.5 credits towards the 50 necessary for renewal and inquired whether they would grant her an extension to obtain the remaining credits due to medical circumstances surrounding her child. Dr. Onufer further inquired whether she would be permitted to obtain the remaining credits through the Internet as she is unable to leave her child for extended periods of time and if the Board would consider amending her continuing education requirements for the next licensing period to permit a greater number of correspondence credits due to her ongoing medical situation with her child. A motion was made by Dr. Schkolnick and seconded by Dr. Collazo to allow Dr. Onufer to obtain the remaining 19.5 continuing education credits on the Internet provided that they are all COPE approved TPA courses. The Board will advise Dr. Onufer that they will not consider amending her continuing education requirements for the next licensing period at this time. A vote was taken and the motion carried by a unanimous vote.

**F. Letter from Luis R. Sanchez, Esq. on behalf of Mark E. Jacobs, O.D.**

**RE: Expungement**

Luis R. Sanchez, Esq. wrote the Board on behalf of Mark E. Jacobs, O.D. concerning the Consent Order filed on October 10, 1995. Mr. Sanchez inquired whether the October 10, 1995 Consent Order could be expunged from Dr. Jacobs's record as he has had no other disciplinary action since 1995. The Board will advise Mr. Sanchez that disciplinary actions cannot be expunged and this action will always remain a part of Dr. Jacobs permanent record.

**G. Association of Regulatory Boards of Optometry**

**Council on endorsed licensure mobility for optometrists**

A motion was made by Dr. Fink and seconded by Dr. Collazo not to support the creation of the Council on Endorsed Licensure Mobility for Optometrists (CELMO). A vote was taken and the motion carried by a unanimous vote.

**H. Letter from Lee Ann C. Stember, President of National Council for Prescription Drug Programs, Inc.**

**RE: The Health Insurance Portability and Accountability Act of 1996**

The Board reviewed the letter from Lee Ann C. Stember, President of the National Council for Prescription Drug Programs, Inc. regarding the Health Insurance Portability and Accountability Act of 1996 and considered it

informational.

**I. Commission for the Blind and Visually Impaired  
Educational Services Program  
Proposed Readoption with Amendments: N.J.A.C. 10:92  
April 21, 2003 issue of the New Jersey Register**

The Board noted that the Proposed Readoption with Amendments: N.J.A.C. 10:92 states, "Functional vision assessment" means an evaluation, conducted by a certified teacher of the blind and partially sighted, used to determine the modifications needed to maximize a student's visual efficiency in the education program". A motion was made by Dr. Collazo and seconded by Mr. Compton to inquire what the word "evaluation" constitutes in the definition of "Functional vision assessment". A vote was taken and the motion carried by a unanimous vote.

**J. Citizen Advocacy Center Continuing Competency Survey Results**

A motion was made by Dr. Collazo and seconded by Mr. White to send D.A.G. Carmen Rodriguez to the Citizen Advocacy national conference in July of 2003. A vote was taken and the motion carried by a unanimous vote.

**K. Letter from Taras W. Spivak, O.D.  
RE: Externship for third year students**

Dr. Spivak wrote and asked the Board if they would approve an externship that allowed third year interns to see patients under supervision. A motion was made by Dr. Fink and seconded by Dr. Collazo to advise Dr. Spivak that N.J.A.C. 13:38-1.12, only allows fourth year students (a preceptee) of an accredited optometry school or college to be supervised by a New Jersey licensed optometrist (a preceptor) during clinical training, therefore, the Board cannot approve an externship that would allowed third year students to see patients. A vote was taken and the motion carried by a unanimous vote.

**IV. Old Business**

**A. Response from Joyce Ferfecki, Director of Outpatient Services of Healthsouth Rehabilitation Hospital of Toms River RE: Promotional Literature**

After reviewing promotional literature of "Healthsouth Rehabilitation Center" that included low vision care, the Board inquired whether there were optometrists or ophthalmologists on premises of "Healthsouth Rehabilitation Center" or if they solely referred patients to an optometrist or ophthalmologist for low vision. The Board further asked that they provide an explanation of the organizational structure of the rehabilitation team and its function.

Joyce Ferfecki, Director of Outpatient Services of Healthsouth Rehabilitation Hospital, advised the Board that they had reconsidered its Low Vision Care Program and will no longer be offering low vision rehabilitation to their patients. The Board considered Ms. Ferfecki's response informational.

**B. Draft Policy Statement submitted by Joseph Schkolnick, O.D.  
RE: Temporary Optometric Employment**

The President of the Board, Leonard Steiner, O.D. assigned Board member, Gigette Collazo, O.D. to this matter. The Board tabled this matter until its June 11, 2003 meeting.

**V. For Your Information**

**A. Notification from the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians RE: Cancellation of its May 14, 2003 meeting and its rescheduled date of May 21, 2003**

The Board reviewed the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians notification regarding the cancellation of its May 14, 2003 meeting and its rescheduled date of May 21, 2003 and considered it informational.

**B. American Optometric Association's April 16, 2003 Bulletin**

The Board reviewed the American Optometric Association's April 16, 2003 Bulletin and considered it informational.

**C. Article, "Bill should be withdrawn" in the April 22, 2003 issue of the Philadelphia Inquirer**

The Board reviewed the article, "Bill should be withdrawn" in the April 22, 2003 issue of the Philadelphia Inquirer and considered it informational.

**D. May, 2003 issue of the Ophthalmology Compliance & Reimbursement Insider**

The Board reviewed the May, 2003 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

**E. Signed Certification - Thomas Marino, O.D.**

The Board is in receipt of a signed certification together with a check in the amount of \$750.00 for violation of **N.J.A.C. 13:38-2.3(b)4 Records of examination and prescription; computerized records** and **N.J.A.C. 13:38-2.4(e) Requirements for issuing prescriptions and dispensing medications**. The Board considers this matter to be concluded.

**F. Memorandum from the American Optometric Association**

**RE: Call for comments on proposed changes to ACOE Optometric Residency Standards**

The Board reviewed the memorandum from the American Optometric Association regarding the call for comments on proposed changes to ACOE Optometric Residency Standards and considered it informational.

**G. Signed Settlement letter - Kirti Dave, O.D.**

The Board is in receipt of a signed settlement letter together with a check in the amount of \$1,000.00 for violation of **N.J.S.A. 45:12-19.1 Practicing under another's name; employment by others**. The Board considers this matter to be concluded.

**H. Memorandum from the National Board of Examiners in Optometry**

**RE: Score Reports for 2003 Graduates**

The Board reviewed the memorandum from the National Board of Examiners in Optometry regarding the score reports for the 2003 graduates and considered it informational.

**VI. Adjournment**

A motion was made by Dr. Fink and seconded by Mr. Compton to adjourn the Regular Session Meeting at 4:25 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland  
Executive Director

[Back to Minutes Archive Menu Page](#)

---