



**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



**PAULA T. DOW**  
Attorney General

**THOMAS R. CALCAGNI**  
Acting Director

### New Jersey State Board of Optometrists

#### Regular Session Minutes

**June 15, 2011**

**Mailing Address:**  
P.O. Box 45012  
Newark, NJ 07101  
(973) 504-6440

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6<sup>th</sup> floor on Wednesday, June 15, 2011. **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 and a quorum was present:

<b>CLARIBEL AZCONA-BARBER</b>	<b>Present</b>
<b>DANIEL DESRIVIERES, O.D.</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**

- I. Public Comment**
- II. Approval of Regular Session Minutes**

A. April 20, 2011

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to approve the April 20, 2011 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

- III. Elizabeth Greenblatt, Regulatory Analyst**  
Review of Comments  
New Jersey State Board of Optometrists Rules  
Proposed Readoption with Amendments: N.J.A.C. 13:38  
From the April 4, 2011 New Jersey Register

The Board reviewed comments submitted regarding Proposed Readoption with Amendments: N.J.A.C. 13:38 with Regulatory Analyst, Elizabeth Greenblatt. The responses to the comments submitted will be published in the New Jersey Register.

**IV. New Business**

- A. Inquiry from Pamela Mandel, Esq.  
RE: Permissible Business Structures

Ms. Mandel informed the Board that she has a client who is interested in forming a corporation with a pharmacist but noted that N.J.A.C. 13:38-1.3, *Permissible Business Structures* does not include pharmacists in the definition.

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to advise Ms. Mandel that the Professional Service Corporation Act and the regulation, N.J.A.C. 13:38-1.3 does not include pharmacists as a "closely allied health care professional", therefore, an optometrist cannot form a corporation with a pharmacist. A vote was taken and the motion carried by a unanimous vote.

- B. July 20, 2011 and August 17, 2011 New Jersey State Board of Optometrists meetings

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to adjourn the Board's July 20, 2011 and August 17, 2011 meetings due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

Upon a motion made by Dr. Harfst and seconded by Dr. Desrivieres, 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. A vote was taken and the motion carried by a unanimous vote.

1. Eight matters filed with the board which require review and additional recommendations with regard to investigation and/or actions.
2. Eight 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 Dr. Florio to adjourn the Regular Session Meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito  
Executive Director