

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

JUNE 16, 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, June 16, 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 9:05 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
MAYOR JAMES GUIDA Present
JOSE JIMENEZ JR. Present - Excused at 1:00 PM
JOSEPH SCHKOLNICK, O.D. Present
LEONARD STEINER, O.D. Present
LEONARD STRULOWITZ, O.D. 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. May 19, 2004

A motion was made by Dr. Steiner and seconded by Dr. Collazo to accept the May 19, 2004 Regular Session Minutes as amended. 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 2. General Rules of Optometric Practice for Sunsetting

The Board completed their review of Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 2. General Rules of Optometric Practice for Sunsetting and made recommendations for additional language and clarification of existing language. The Board will review Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 3. General Provisions and Subchapter 4. Therapeutic Pharmaceutical Agents (TPA) Certification at its July 21, 2004 meeting.

IV. New Business

A. Legislation

The Board President, Mitchell Fink, O.D., assigned, Board member, Leonard Steiner, O.D., to be the contact person for the Board that will comment on future legislative bills.

B. August 18, 2004 New Jersey State Board of Optometrists Meeting

A motion was made by Mr. Compton and seconded by Dr. Collazo to cancel the August 18, 2004 Board meeting due to lack of quorum. A vote was taken and the motion carried by a unanimous vote.

V. 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. The Board requested the legal citation of the pre-requisite from Mr. Harbeck.

Mr. Harbeck advised the Board that the legal citation is 21 USC 823(f). The Board considered Mr. Harbeck's response informational.

VI. For Your Information

A. Signed Assurance of Voluntary Compliance letters

1. Zeest Peraiz, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Zeest Peraiz, O.D. for violation of N.J.A.C. 13:38-1.2(l) General advertising practices. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Peraiz. The Board considers this matter to be concluded.

B. Article, "Bait and Switch" ban does not apply to professionals" from the March/April 2004 issue of the Professional Licensing Report

The Board reviewed the article, "Bait and Switch" ban does not apply to professionals" and considered it informational.

VII. Adjournment

A motion was made by Dr. Steiner and seconded by Dr. Collazo to adjourn the Regular Session Meeting at 3:15 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director

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