



New Jersey State Board of Optometrists

Regular Session Minutes

June 19, 2002

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 19, 2002. **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 9:00 A.M. A roll call was taken and the following attendance was recorded:

GORDON COMPTON	Present
MITCHELL FINK, O.D.	Present
BARRY SCHNEIDER, O.D.	Present
JOSEPH SCHKOLNICK, O.D.	Absent
LEONARD STEINER, O.D.	Present
LEONARD STRULOWITZ, O.D.	Present
RALPH WHITE	Absent

Also present were: **SUSAN H. GARTLAND, Executive Director; CARMEN RODRIGUEZ, Deputy Attorney General; LISA PETROWSKI, Assistant to the Executive Director.**

Thomas Dorrity, O.D., representative from the New Jersey Society of Optometric Physicians attended the Public Session Meeting.

I. Public Comment

II. Approval of Regular Session Minutes

A. May 15, 2002

A motion was made by Dr. Schneider and seconded by Mr. Compton to accept the May 15, 2002 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

**A. 10:30 A.M. appearance by Dr. Thomas L. Lewis, President , and Dr. Anthony De Stefano, Vice President, of the Pennsylvania College of Optometry
RE: Externships**

Dr. Thomas L. Lewis, President, and Dr. Anthony De Stefano, Vice President, of the Pennsylvania College of Optometry appeared before the Board to discuss the Pennsylvania College of Optometry's new curriculum which includes students beginning their clinical training or externship during their third year. The New Jersey State Board of Optometrists' regulation, N.J.A.C. 13:38-2.12, 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. After their presentation, Dr. Lewis and Dr. De Stefano asked the Board to consider amending N.J.A.C. 13:38-2.12 to include third year students.

A motion was made by Dr. Fink and seconded by Dr. Schneider to advise Dr. Lewis and Dr. De Stefano that the Board will not amend N.J.A.C. 13:38-2.12 and it will remain for fourth year students exclusively, however, the Board will amend N.J.A.C. 13:38-2.11 Delegation of duties to ancillary personnel to include optometry students. A vote was taken and Dr. Strulowitz opposed while all others voted in favor. The vote passed as four members voted in favor.

**B. Assembly, No. 2227 Introduced May 9, 2002
(Synopsis - Revises scope of practice of optometrists.)**

A motion was made by Dr. Schneider and seconded by Dr. Fink to advise the legislative liaison that they strongly support Assembly Bill 2227. The Board will document its reasons of support in a timely manner. A vote was taken and the motion carried by a unanimous vote.

**C. Letter from the New Jersey Society of Optometric Physicians
RE: Additional CPT Codes**

The Board will advise the New Jersey Society of Optometric Physicians that its letter does not include specific or detailed information as to why the codes listed in their letter should be included in the CPT code list. The Board will consider the codes listed in their letter when they provide more detailed information concerning them.

**D. A letter copied to the Board from Susan L. Marks,
Director, HMO Contract Compliance, to Kaye Morrow, General Manager of AmeriChoice of New Jersey, Inc.
RE: New Jersey Society of Optometric Physicians and Health Care Providers**

The Board reviewed the letter from Susan L. Marks, Director, HMO Contract Compliance, to Kay Morrow, General Manager of AmeriChoice of New Jersey, Inc. regarding the New Jersey Society of Optometric Physicians and Health Care Providers and considered it informational.

**E. Letter from Optical Enterprises
RE: Mail Order**

Optical Enterprises wrote the Board concerning laws and regulations in the State of New Jersey governing the sale of mail-order glasses and contact lenses. A motion was made by Dr. Schneider and seconded by Dr. Fink to refer Optical Enterprises' letter to the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians. A vote was taken and the motion carried by a unanimous vote.

F. August 21, 2002 New Jersey State Board of Optometrists Meeting

A motion was made by Dr. Fink and seconded by Dr. Schneider to cancel the August 21, 2002 Board meeting due to lack of a quorum.

IV. Old Business

A. Danielle Swenson, Regulatory Analyst

RE: Update on pending matters

Danielle Swenson gave the Board a verbal update on pending matters pertaining to the Board of Optometrists in the Regulatory Department. The Board will address amending N.J.A.C. 13:38-1.3(f) Permissible business structures; referral fees and N.J.A.C. 13:38-2.15 Excessive Fees at the July 17, 2002 meeting.

V. For Your Information

A. Division of Consumer Affairs

New Jersey State Board of Optometrists

Termination of the Optometrist-Patient Relationship

Proposed New Rule: N.J.A.C. 13:38-3.9

The Board reviewed its Proposed New Rule: N.J.A.C. 13:38-3.9 Termination of the Optometrist-Patient Relationship and considered it informational.

B. Signed Certification - Gary Edelstein, O.D.

The Board is in receipt of a signed certification from Dr. Edelstein together with a money order in the amount of two hundred and fifty dollars (\$250.00) for violation of N.J.A.C. 13:38-1.2(c)6 General advertising practices. The Board considers this matter to be concluded.

C. Signed Certification - Paul Repage, O.D.

The Board is in receipt of a signed certification from Dr. Rapage together with a check in the amount of seven hundred and fifty dollars (\$750.00) for violation of N.J.S.A. 45:1-21(b) misrepresentation and N.J.A.C. 13:38-1.2(b) and (c)5 General advertising practices. The Board considers this matter to be concluded.

The Board will advise Dr. Rapage that he must remove the word, "Specializing" from his stationery as it is in violation of N.J.A.C. 13:38-1.2(f)2.

D. Final Decision and Order After UPL Explanation filed May 15, 2002 In the matter of Israel R. Plasner, O.D.

The Board is in receipt of a Final Decision and Order After UPL Explanation filed May 15, 2002 from Dr. Plasner and a check in the amount of two hundred and fifty dollars (\$250.00) for violation of N.J.A.C. 13:38-1.2(c)6 and (f)2 General advertising practices. The Board now considers this matter to be concluded.

E. Final Decision and Order After UPL Explanation filed May 5, 2002 In the matter of Jeffrey J. Ruffo, O.D.

The Board is in receipt of a Final Decision and Order After UPL Explanation filed May 15, 2002 from Dr. Ruffo and a check in the amount of two hundred and fifty dollars (\$250.00) for violation of N.J.A.C. 13:38-1.2(c)6 and (f)2 General advertising practices. The Board now considers this matter to be concluded.

F. Memorandum from the National Board of Examiners in Optometry

RE: Score Reports

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

G. New Jersey State Board of Medical Examiners March 13, 2002 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners March 13, 2002 Open Board Minutes and

considered it informational.

H. Signed Certification - Edward DeNeve, O.D.

The Board received a signed certification from Dr. DeNeve together with a check in the amount of seven hundred and fifty dollars (\$750.00) for violation of N.J.S.A. 45:1-21(b) misrepresentation and N.J.A.C. 13:38-1.2(b), (c)5, and (f)2 General advertising practices. The Board considers this matter to be concluded.

V. Adjournment

A motion was made by Dr. Strulowitz and seconded by Mr. Compton to adjourn the Regular Session Meeting at 4:10 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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Optometrists](#)

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