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New Jersey State Board of Optometrists
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NEW JERSEY STATE BOARD OF OPTOMETRISTS PUBLIC SESSION MINUTES JUNE 19, 2013

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CALL TO ORDER

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, 2013. 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 9:45 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

PRESENT

Michael Siegel, O.D
Gigette Collazo Harfst, O.D.
Mitchell Fink, O.D.
John Florio, O.D.
Daniel Desrivieres, O.D.

ALSO PRESENT

Carmen Rodriguez, DAG
Jonathan Eisenmenger, Executive Director
Sonia Claudino, Administrative Staff

MEMBER(S) OF THE PUBLIC: **Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians**

I. PUBLIC COMMENT

Howard R. Cooper, Executive Director of the NJ Society of Optometric Physicians reported on the launch of "eyecare.org" an informational website for consumers.

II. APPROVAL OF MINUTES

A motion was made by Dr. Desrivieres, seconded by Dr. Collazo Harfst to approve the April 17, 2013 minutes as amended. The motion carried by unanimous vote.

III. OLD BUSINESS

- a. Harvey Richman, O.D., submitted correspondence in regards to who is the guardian of patient records once a partnership is broken and patient was treated by both doctors. At the April 17, 2013 meeting a motion was made to send Dr. Richman a letter stating he should seek independent legal counsel for advice. Dr. Richman submits correspondence in which he indicates that he was not satisfied with the Board's response. **Dr. Siegel abstained from discussion.**

The Board discussed the issues raised by Dr. Richman and re affirms its original decision for Dr. Richman to seek independent legal counsel for advice. The Board would like to remind Dr. Richman that pursuant to N.J.A.C. 13:38-6.1 the patient must have access to their patient records, and a patient may direct that a copy of their records be provided to a licensed provider of their choice. **Dr. Siegel abstained from discussion.**

- b. Maureen Oberle, OD, requested the reinstatement of her license which was placed on inactive status as per Dr. Oberle's request in January 2007. Dr. Oberle's request was reviewed at the April 17, 2013 Board meeting where a motion was made that Dr. Oberle must submit a notarized affidavit of employment and proof of 100 credits of continuing education pursuant to N.J.A.C. 13:38-3.10. In addition Dr. Oberle would be reinstated to a T.O. license since she must complete additional requirements to obtain an O.M. certification.
As requested Dr. Oberle submitted for Board review an affidavit of employment and proof of continuing education.

After review of Dr. Oberle's affidavit of employment and proof of 100 credits of continuing education hours. A motion was made by Dr. Collazo Harfst, seconded by Dr. Desrivieres to reinstate Dr. Oberle's optometrist license as well as her T.O. certificate. In addition Dr. Oberle may not use the continuing education credits submitted for the next renewal period. The motion carried by unanimous vote.

IV. CORRESPONDENCE

- a. Mohit Kapoor-review Mr. Kapoor submitted an inquiry in regards to obtaining an Optometrists license so he can begin to work while he studies to retake the TMOD section again.

After review Board president tabled this matter to allow for further research to be conducted. Board staff is to check previous determinations the Board has made in similar situations and the prefatory language in the initiative for the relevant portions of both the regulations and statutes.

V. FYI

- a. Assembly No. 2882 which requires professional boards to provide credits toward requirements for licensure for veterans with substantially equivalent training.

The Board reviewed Assembly No. 2882 for informational purposes.

- b. Catherine Morse, O.D. satisfied all requirements of Consent Order filed on March 15, 2013.

The Board reviewed this matter for informational purposes.

VI. HANDOUTS

- a. Senate No. 2833 which increases penalties against practitioners for improper prescribing of drugs.

After review the Board took no position on Senate No. 2883.

VII. ADJOURNMENT

A motion was made by Dr. Florio to proceed to Executive Session, seconded by Dr. Desrivieres, to consider and review advertisements, consumer complaints and other information received pursuant to the Board's investigative authority in order to determine whether violations of law, including Board's regulations, have occurred. The results of these deliberations will be made known when, and if, the Board determines to initiate disciplinary or other enforcement actions. If the Board chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session.

Respectfully submitted
BOARD OF OPTOMETRISTS

Jonathan Eisenmenger
Acting Executive Director