

NEW JERSEY STATE BOARD OF OPTOMETRISTS

REGULAR SESSION MINUTES

JULY 16, 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, July 16, 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 9:05 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
JOSEPH SCHKOLNICK, O.D.	Present
LEONARD STEINER, O.D.	Present
LEONARD STRULOWITZ, O.D.	Present
RALPH WHITE	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. June 11, 2003

A motion was made by Dr. Fink and seconded by Mr. Compton to accept the June 11, 2003 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Joyes Abraham, O.D.

RE: Criteria and Definition of legal blindness in New Jersey

Dr. Abraham asked the Board for the criteria and definition of legal blindness for New Jersey. Carmen Rodriguez, D.A.G. will research this information and advise the Board at a future meeting.

B. Letter from Thomas E. Ciavarella

RE: Eye Drop Dispenser

Mr. Ciaveralla advised the Board that he had concerns with a new eye drop dispenser which has been introduced by the Merck Company for dispensing the drug, Cosopt. Mr. Ciaveralla believes that the design of the new eye drop dispenser, "is in the obvious waste of the contents and the resultant increased cost to the consumer".

The Board will advise Mr. Ciaveralla that this matter is not within its jurisdiction. The Board will further advise Mr. Ciaveralla that he could contact the Merck Company or the FDA (Federal Drug Administration) with his concerns.

C. Letter from Paula McCurdy, O.D.

RE: N.J.A.C. 13:38-1.2(l)

Dr. McCurdy advised the Board that she had concerns with the advertising regulation N.J.A.C. 13:38-1.2(l), "An optometrist shall include his or her license and certification number in all advertisements". Dr. McCurdy advised the Board that she believes it would make it easier for consumers to obtain contact lenses without a prescription through an on-line company if an optometrist's license and certification number is easily accessible. Dr. McCurdy also inquired whether the Board had any objections to an optometrist belonging to a business networking group or township business association.

The Board will advise Dr. McCurdy that license and certification numbers are public information. The Board will further advise Dr. McCurdy that an optometrist can belong to a business networking group or a township business association but the optometrist must comply with the advertising regulations if the optometrist is planning on advertising with the business networking group or township business association.

D. Letter from Rachel-Rose Siwoff

RE: N.J.A.C. 13:38-1.2(l)

Mrs. Siwoff, Administrative Officer of Siwoff Low Vision Center, P.C., inquired whether HIPAA forms such as HIPAA patient information sheets and authorization to release information forms were required to have the optometrist's license and certification numbers in accordance with N.J.A.C. 13:38-1.2(l), "An optometrist shall include his or her license and certification number in all advertisements".

The Board will advise Mrs. Siwoff that the HIPAA forms that are not used for advertising purposes are not required to have the optometrist's license and certification number in accordance with N.J.A.C. 13:38-1.2(l).

E. Letter from Edward Friedman, O.D.

RE: Reinstatement Fee

Dr. Friedman advised the Board that he called the Board office and advised them that he did not receive his renewal application for his inactive license prior to the deadline of April 30, 2003. Dr. Friedman inquired whether the Board would waive the \$200.00 late fee/reinstatement fee for renewing his license after the April 30, 2003 deadline since he verbally notified the Board office that he had not received his renewal application prior to the deadline. The Board office does not have any documentation that Dr. Friedman notified them prior to the April 30, 2003 deadline.

The Board will advise Dr. Friedman that they will waive the \$200.00 late fee/reinstatement fee if he provides them with a copy of his telephone bill that shows that he called the Board office prior to the April 30, 2003 deadline.

F. Licensure Application of Dennis Miller, O.D.

Dr. Miller advised the Board that he had a conviction which had been expunged from his record. The Board will advise Dr. Miller that they will grant him licensure after he provides them with proof that the conviction had been expunged from his record by order of the court.

IV. Old Business

A. Response from Joseph T. Boorady, O.D.

RE: Screening

Dr. Boorady supplied the Board with the date and time of a vision screening of children from the New York City Head Start Program which will take place in New Jersey. Dr. Boorady further provided the Board with the names of the New Jersey licensed optometrists who will be participating in the vision screening. The Board will keep this information in each of the participating licensees' files.

b. Office of Insurance Fraud Prosecutor

Rules of Practice and Procedure

Proposed New Rules: N.J.A.C. 13:88

from the June 16, 2003 issue of the New Jersey Register

The Board reviewed the Office of Insurance Fraud Prosecutor Rules of Practice and Procedure Proposed New Rules: N.J.A.C. 13:88 from the June 16, 2003 issue of the New Jersey Register and considered it informational.

C. Henry E. Parker, O.D.

RE: Explanation of answer on renewal

Pending from the May 21, 2003 meeting

This matter was tabled until the Board receives notification of the outcome of Dr. Parker's traffic violation.

D. Draft form for Temporary Optometric Employment

Dr. Collazo supplied the Board with a draft form that a licensee would complete before covering for another licensee. After the Board made some modifications to the form, a motion was made by Mr. Compton and seconded by Dr. Fink to accept the form as modified. The Board office will now use this form when a licensee covers for another licensee at a particular location. The licensee's coverage of another licensee cannot exceed a one time initial period of 30 contiguous calendar days and the licensee must complete the form 7 days in advance of supplying optometric services on a temporary or relief basis. A vote was taken and the motion carried by a unanimous vote.

V. For Your Information

A. Signed Assurance of Voluntary Compliance letters

1. William Potter, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from William Potter, O.D. for violation of N.J.S.A. (a) 45:12-12.2 Licensed prescribers to use New Jersey prescription blanks and N.J.A.C. 13:38-2.4(e) Requirements for issuing prescriptions and dispensing of medications. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Potter. The Board considers this matter to be concluded.

2. Darlene Fowler, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Darlene Fowler, O.D. for violation of N.J.S.A. 45:12-26 Titles not authorized; N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names; and N.J.A.C. 13:38-1.2(c)5 General advertising practices. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Fowler. The Board considers this matter to be concluded.

3. Edward DiDonato, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Edward DiDonato, O.D. for violation of N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. DiDonato. The Board considers this matter to be concluded.

4. Barbara Koslow, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Barbara Koslow, 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. Koslow. The Board considers this matter to be concluded.

5. Niki Patellis, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Niki Patellis, 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. Patellis. The Board considers this matter to be concluded.

B. Final Decision and Order After UPL Explanation In the matter of Alicia Dorman, O.D.

The Board is in receipt of a Final Decision and Order After UPL Explanation filed June 11, 2003 from Dr. Dorman 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(f) & (l) General advertising practices. The Board now considers this matter to be concluded.

C. Signed Certification - Angelo Aiello, O.D.

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

VI. Adjournment

A motion was made by Dr. Collazo and seconded by Dr. Fink to adjourn the Regular Session Meeting at 3:40 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director

