

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

JULY 21, 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, July 21, 2004. Joseph Schkolnick, O.D., Vice 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:

GIGETTE COLLAZO, O.D. Present  
GORDON COMPTON Present  
MITCHELL FINK, O.D. Absent  
JOHN FLORIO, O.D. Present  
MAYOR JAMES GUIDA Present  
JOSE JIMENEZ JR. Absent  
JOSEPH SCHKOLNICK, O.D. Present  
LEONARD STEINER, 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. June 16, 2004

A motion was made by Dr. Steiner and seconded by Mayor Guida to accept the June 16, 2004 Regular Session Minutes as presented. 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 3. General Provisions for Sunsetting**

The Board completed their review of Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 3. General Provisions with Danielle Swenson, Regulatory Analyst, 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 4. Therapeutic Pharmaceutical Agents (TPA) Certification; Subchapter 5. Fee Schedule; and Subchapter 6. Records at its September 15, 2004 meeting.

**IV. New Business**

A. National Board of Examiners Review Committee RE: Input from State Boards concerning the National Board of Examiners in Optometry Examination

The National Board of Examiners Review Committee inquired whether the State Boards had any comments concerning the National Board of Examiners in Optometry Examination. The New Jersey State Board of Optometrists had no comment.

B. Medical Malpractice Liability Insurance Premium Assistance Fund

Sharon Joyce, Assistant Attorney General, met with the Board and explained the Medical Malpractice Liability Insurance Assistant Fund.

The purpose of the Medical Malpractice Liability Insurance Premium Assistance Fund is "to provide relief towards the payment of medical malpractice liability insurance premiums to certain health care providers in the State who have experienced or are experiencing a liability insurance premium increase". The fund will be administered by the Commissioner of Banking and Insurance and will expire on December 31, 2006.

The fund will consist of the following revenue: an annual surcharge of \$3.00 per employee for all employers who are subject to the New Jersey unemployment compensation law and an annual charge of \$75.00 will be imposed on every licensed New Jersey physician, chiropractor, dentist, podiatrist, and optometrist as well as each person licensed to practice law in the State of New Jersey.

There are five exemptions. Any physician, chiropractor, dentist, podiatrist, or optometrist as well as any attorney who: "are statutorily or constitutionally barred from the practice of their respective profession; can show that they do not maintain a bona fide office for the practice of their profession in this State; are completely retired from the practice of their profession; are on full-time duty with the armed forces, VISTA or the Peace Corps and not engaged in practice; or have not practiced their profession for at least one year" will not have to have the \$75.00 annual charge imposed.

Physicians, chiropractors, dentist, and nurses are eligible for a subsidy from the fund as long as they have not been subject to a disciplinary action or civil penalty by the respective licensing board. Eligibility for a subsidy from the fund also requires that a health care provider have received "a medical malpractice liability insurance premium increase in an amount as determined by the commissioner by regulation, upon renewal on or after January 1, 2003, from the amount paid by the practitioner in calendar year 2002".

## **V. For Your Information**

### **A. Association of Regulatory Boards of Optometry 2004 Clinical Update**

The Board reviewed the Association of Regulatory Boards of Optometry 2004 Clinical Update and considered it informational.

### **B. Legal Issues Update from the Association of Regulatory Boards of Optometry Annual Meeting of June 22, 2004**

The Board reviewed the Legal Issues Update from the Association of Regulatory Boards of Optometry Annual Meeting of June 22, 2004 and considered it informational.

### **C. Council on Endorsed Licensure Mobility For Optometrists (CELMO) -Association of Regulatory Boards of Optometry Resolution**

The Board reviewed the concept of the Council on Endorsed Licensure Mobility for Optometrists and considered it informational.

### **D. New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians July 14, 2004 Public Session Agenda and April 14, 2004 Public Session Minutes**

The Board reviewed the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians July 14, 2004 Public Session Agenda and April 14, 2004 Public Session Minutes and considered it informational.

### **E. Signed Assurance of Voluntary Compliance letters**

#### **A. Peter Frisko, O.D.**

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Peter Frisko, O.D. for violation of 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(l) General advertising practices. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Frisko. The Board considers this matter to be concluded.

B. Anna S. Moy, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Anna Moy, O.D. for violation of N.J.S.A. 45:12-9.12 Practice of optometry at retail store or office permitted if identified as independent doctor; outside control or interference with practice prohibited and N.J.A.C.13:38-1.2(c)6 General advertising practices. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Moy. The Board considers this matter to be concluded.

F. Signed Settlement letter - Edward Kaplan, O.D.

The Board is in receipt of a signed Settlement letter together with a check in the amount of one thousand dollars (\$1,000.00) from Dr. Kaplan for violation of N.J.S.A. 45:12-9 Registration renewal fee; nonactive renewal certificate; obtaining active certificate of registration after 5 years; branch office registration certificates; revocation. The Board considers this matter to be concluded.

## **VI. Adjournment**

A motion was made by Dr. Steiner and seconded Mayor Guida to adjourn the Regular Session Meeting at 2:00 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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