

**New Jersey State Board of Optometrists
Regular Session Minutes
August 15, 2007**

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, August 15, 2007. 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:

PAUL BENT Present
GIGETTE COLLAZO HARFST, O.D. Present
GORDON COMPTON Absent
RICHARD FAVREAU, O.D. Present
MITCHELL FINK, O.D. Present
JOHN FLORIO, O.D. Present
LEONARD STEINER, O.D. Present

Also present were: CARMEN RODRIGUEZ, Deputy Attorney General; LISA PETROWSKI, Assistant to the Executive Director; SUSAN GARTLAND, representative of the Division of Consumer Affairs.

Debra C. Lienhardt, Esq., from the firm WolfBlock Brach Eichler, and Edward Campell, O.D. attended the Public Session Meeting.

I. Public Comment

II. Approval of Regular Session Minutes

A. June 20, 2007

A motion was made by Dr. Harfst and seconded by Dr. Favreau to approve the June 20, 2007 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Assembly No. 4382

(Synopsis - Delays expiration date of certain professional and occupational licenses for individuals with certain types of military service.)

A motion was made by Mr. Bent and seconded by Dr. Fink to advise the Division of Consumer Affairs legislative liaison that it supports A-4382 and upon review of this bill it appears as though it only applies to Master Plumbers. In the event that this bill not only applies to Master Plumbers but to all other licensed professions as well, then the Board has a concern with all licenses expiring on June 30th of every year. Most licensees of professional Boards have a two (2) year license period and expire at different times. If all licenses expire on the same date, it would be overwhelming for the Division and cause undo hardship to licensees and staff of the Division of Consumer Affairs. The Board of Optometrists already waives a renewal fee for optometrists serving on active duty in the military since September 18, 1995. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Michael Georgescu, O.D.
RE: Reinstatement fee

New Jersey Optometric licenses expired on April 30, 2007. During the 30 day period from May 1, 2007 through June 1, 2007 licensees were able to renew their license provided they paid the renewal late fee. If a licensee did not renew their optometric license by June 1, 2007, the licensee's license would be automatically suspended without a hearing pursuant to N.J.S.A. 45:1-7.1(b) and (c) as it was not renewed within 30 days of the expiration date. When the license is not renewed during the 30 day grace period in accordance with N.J.A.C. 13:39A5A.1(d), the licensee would have to satisfy all reinstatement requirements set forth in N.J.S.A. 45:1-7.2 in order to reinstate the license. It is also required that the licensee have a criminal history background check prior to the reinstatement of their pursuant to N.J.S.A. 45:1-30 (e)1.

Dr. Michael Georgescu's inactive-paid license expired on April 30, 2007. Dr. Georgescu advised the Board that he did not receive his renewal application and became aware that his license expired when he received the Board's follow up letter advising him that his license was suspended pursuant to N.J.S.A. 45:1-7.1(b) and (c). Dr. Georgescu inquired whether the Board would waive his reinstatement fee and criminal history background check.

The Board noted that Dr. Georgescu's address did not change and the renewal was mailed to the same address that the Board's follow up letter was mailed.

A motion was made by Mr. Bent and seconded by Dr. Fink to deny Dr.Georgescu's request for a waiver of the reinstatement fee. The Board will advise Dr. Georgescu that he must complete the reinstatement process and a criminal history background check in order to reinstate his inactive-paid license or he can choose to become unpaid inactive. A vote was taken and the motion carried by a unanimous vote.

IV. Old Business

A. Letter from Diane King, O.D.
RE: Continuing Education

Dr. King wrote the Board advising it that she had obtained 44 continuing education credits towards the 50 necessary for renewal and requesting an extension to obtain the remaining 6 credits. Dr. King advised the Board that she was registered to attend a seminar that would have completed the remaining 6 credits before April 30, 2007, but was unable to attend that seminar due to her medical condition. Dr. King provided the Board with a letter from her treating physician concerning her medical condition.

The Board granted Dr. King a 60 day extension to complete the remaining 6 continuing education credits. Dr. King provided the Board with a copy of the 44 continuing education credits she took from May 1, 2006 through April 30, 2007 and a copy of the remaining 6 continuing education credits that she took within the 60 day extension. The Board considers this matter to be concluded as Dr. King completed the remaining 6 continuing education credits within the granted 60 day extension. A vote was taken and the motion carried by a unanimous vote.

B. Letters from Edward Campell, O.D.
RE: Current Procedural Terminology (CPT) Codes

Dr. Campell advised the Board that he is the optometric member of the New Jersey Carrier Advisory Committee of Medicare Carrier, National Government Services. Dr. Campell advised the Board that National Government Services discovered that 66982-55 was not included in the CPT Code list that the Board kept. Dr. Campell advised that he initially wrote the Board to ask that it consider adding 66982-55 to the list, but has become aware that the CPT Code list no longer exists. Dr. Campell wrote the Board a second time and asked the Board to confirm whether postoperative management of a patient who has had extracapsular cataract removal with insertion of intraocular lens prosthesis is currently and has been within the scope of practice of optometrists.

A motion was made by Mr. Bent and seconded by Dr. Fink to advise Dr. Campell that postoperative management of a patient who has had extracapsular cataract removal with insertion of intraocular lens prosthesis is currently and has been within the scope of practice of optometrists for over 15 years. A vote was taken and the motion

carried by a unanimous vote.

C. Letter from Taras W. Spivak, O.D.

RE: Current Procedural Terminology (CPT) Codes

Dr. Spivak advised the Board that submitted CPT code 66984-55 to Medicare for postoperative management of cyclophotocoagulation and was denied payment. Dr. Spivak asked the Board to consider adding 66984-55 to the CPT Code list.

A motion was made by Dr. Florio and seconded by Dr. Harfst to advise Dr. Spivak that the Board no longer keeps a list of CPT Codes. The Board will further advise Dr. Spivak that postoperative management of cyclophotocoagulation is within the scope of practice of optometrists. A vote was taken and the motion carried by unanimous vote.

V. For Your Information

A. Division of Consumer Affairs

State Board of Nursing

Maintaining Accreditation: Curriculum Organization and Content

Adopted Amendment: N.J.A.C. 13:37-1.8

The Board reviewed the State Board of Nursing adopted amendment and considered it informational.

B. New Jersey State Board of Medical Examiners

May 9, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' May 9, 2007 Open Board Minutes and considered them informational.

C. New Jersey State Board of Medical Examiners

June 13, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' June 13, 2007 Open Board Minutes and considered them informational.

D. New Jersey State Board of Medical Examiners

June 13, 2007 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' June 13, 2007 Disciplinary Matters Pending Conclusion and considered it informational.

E. New Jersey State Board of Medical Examiners

August 8, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' August 8, 2007 Open Board Agenda and considered it informational.

F. New Jersey State Board of Medical Examiners

August 8, 2007 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' August 8, 2007 Disciplinary Matters Pending Conclusion and considered it informational.

G. Notification from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians RE: Cancellation of its August 8, 2007 Board meeting

The Board reviewed the notification of the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians regarding the cancellation of its August 8, 2007 Board meeting and considered it informational.

Upon a motion made by Dr. Harfst and seconded by Mr. Bent, the Board voted to go into Executive Session to discuss the following matters involving investigations or violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Six matters filed with the Board which requires review and additional recommendations with regard to investigations and/or actions.
2. Nineteen matters where additional information has been submitted to the Board concerning pending investigations.

VI. Adjournment

A motion was made by Dr. Harfst and seconded by Dr. Favreau 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,

Leonard Steiner, O.D.
Board President