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New Jersey Office of the Attorney General

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New Jersey State Board of Optometrists
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New Jersey State Board of Optometrists

Regular Session Minutes

September 15, 2010

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A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, September 15, 2010. **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 9:10 A.M. A roll call was taken and the following attendance was recorded:

CLARIBEL AZCONA-BARBER	Excused
DANIEL DESRIVIERES, O.D.	Present
GIGETTE COLLAZO HARFST, O.D.	Present
MITCHELL FINK, O.D.	Present
JOHN FLORIO, O.D.	Present

Also present were: **CARMEN RODRIGUEZ, Deputy Attorney General; LISA AFFINITO, Executive Director**

- I. Public Comment**
- II. Approval of Regular Session Minutes**

A. June 16, 2010

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to approve the June 16, 2010 Public Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

- III. Board Review of New Jersey Administrative Code Title 13 Chapter 38 for Sunset**

After the Board reviewed the draft of the proposed regulations for sunseting, a motion was made by Dr. Harfst and seconded by Dr. Desrivieres to adopt the draft of the proposed regulations with modifications. A vote was taken and the motion carried by a unanimous vote.

IV. New Business

- A. Letter from Carl A. Pecoraro, O.D.
RE: Scope of Practice

Dr. Pecoraro advised the Board that Horizon challenged him on his authority to perform a consultation. Dr. Pecoraro asked the Board to confirm that it is within the scope of practice of optometry for an optometrist to perform a consultation.

A motion was made by Dr. Desrivieres and seconded by Dr. Harfst to advised Dr. Pecoraro that it is within the scope of practice of optometry for an optometrist to perform a consultation. A vote was taken and the motion carried by a unanimous vote.

- B. Letter from the American Optometric Society
RE: American Board of Optometry Certification

The American Optometric Society wrote the Board urging them to issue a formal opinion as to whether or not, and to what extent, doctors of optometry licensed by the New Jersey State Board of Optometrists may represent within the State of New Jersey that they are American Board of Optometry certified.

A motion was made by Dr. Desrivieres and seconded by Dr. Harfst to refrain from making any determinations concerning this matter. If a licensee chooses to advertise this certification, the licensee must clearly identify the entity from which he or she received the certification. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Pamela Saus, O.D.
RE: Minimum Equipment and Instrumentation

Dr. Saus inquired whether using a confrontational fields and an Amsler grid would satisfy the minimum equipment and instrumentation regulation N.J.A.C. 13:38-2.2(a)8, "equipment to measure central and peripheral visual fields".

A motion was made by Dr. Florio and seconded by Dr. Harfst to advise Dr. Saus that using a confrontational fields and an Amsler grid would not satisfy N.J.A.C. 13:38-2.2(a)8. The Board will advise Dr. Saus that a Tangent Screen would satisfy the minimum requirement of N.J.A.C. 13:38-2.2(a)8. A vote was taken and the motion carried by a unanimous vote.

- D. National Board of Examiners in Optometry Survey of State Optometry Boards' Anticipated Need for Injections Skills Testing Documentation

A motion was made by Dr. Harfst and seconded by Dr. Florio to provide the National Board of Examiners in Optometry with N.J.S.A. 45:12-1 which states, "Optometry is hereby declared to be a profession, and the practice of optometris is defined to be the employment of objective or subjective means, or both, for the examination of the human eye and adnexae for the purposes of ascertaining any departure from the normal, measuring its powers of vision and adopting lenses or prisms for the aid thereof, or the use and prescription of pharmaceutical agents, excluding injections, except for injections to counter anaphylactic reactions..." A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Christopher Caldwell, O.D.
RE: Licensure

Dr. Caldwell asked the Board to permit him to have an active license in New Jersey even though he does not have a business address in New Jersey as he is currently serving in the Army and is stationed in Hawaii.

A motion was made by Dr. Desrivieres and seconded by Dr. Harfst to advise Dr. Caldwell that pursuant to N.J.S.A. 45:12-9 a licensee must have an office location in New Jersey in order to have an license on active status. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Michael Iuliano, O.D.
RE: International Contact Lens Prescriptions

Dr. Iuliano inquired whether international contact lens prescriptions can be filled. Dr. Iuliano also inquired if webinars can be counted towards the continuing education requirement.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Dr. Iuliano that international contact lens prescriptions can be filled and are verifiable. The Board will also advise Dr. Iuliano that webinars are considered internet courses and can be counted towards the continuing education requirement pursuant to N.J.A.C. 13:38-7.4(e). A vote was taken and the motion carried by a unanimous vote.

- G. Letter from Veronika Krav, O.D.
RE: Reinstatement
- Continuing Education Credits

Dr. Krav informed the Board that she will have forty credits for reactivation of her license by the beginning of December which will include credits from the oral credentialing course. Dr. Krav inquired whether the Board would allow her to use ten credits from 2007 towards the continuing education requirement for reactivation.

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to advise Dr. Krav that she cannot use ten credits from 2007 towards the continuing education requirement for reactivation. A vote was taken and the motion carried by a unanimous vote.

- H. New Jersey Board of Examiners of Ophthalmic
Dispensers and Ophthalmic Technicians
Proposed Readoption with Amendments: N.J.A.C. 13:33

The Board tabled this matter until its October 20, 2010 Board meeting.

V. Old Business

- A. Response from Maria Megill, O.D.
RE: Medco Pharmacy

The Board reviewed information concerning Medco Pharmacy refusing to fill a prescription written by an optometrist. The information also indicated that Medco Pharmacy subsequently filled the prescription.

Dr. Maria Megill confirmed with the Board that this matter was resolved.

VI. Informational

A. Obituary of former Board Member, Richard J. Favreau, O.D.

Richard J. Favreau, O.D. served on the New Jersey State Board of Optometrists for four years and will be truly missed.

B. Report of the Actions Taken by the American Council of Optometric Education at its Annual Meeting on June 16-19, 2010

The Board reviewed the report of actions taken by the American Council of Optometric Education at its annual meeting and considered it informational.

C. New Jersey Board of Medical Examiners July 14, 2010 Open Agenda

The Board reviewed the New Jersey Board of Medical Examiners July 14, 2010 Open Agenda and considered it informational.

D. New Jersey Board of Medical Examiners May 12, 2010 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners May 12, 2010 Open Board Minutes and considered them informational.

E. New Jersey Board of Medical Examiners May 12, 2010 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners May 12, 2010 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

F. Governor Chris Christie Proposes elimination of 300 New Jersey boards and commissions Published September 10, 2010

The Board reviewed Governor Chris Christie's proposed elimination of 300 New Jersey boards and commissions. The Board will write the Division of Consumer Affairs regarding its concerns.

G. Announcement from the National Board of Examiners in Optometry RE: Part III Clinical Skills Examination Center

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The Board reviewed the announcement from the National Board of Examiners in Optometry regarding the Part III Clinical Skills Examination Center and considered it informational.

- H. New Jersey Board of Medical Examiners
September 15, 2010 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners September 15, 2010 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- I. New Jersey Board of Medical Examiners
September 15, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners September 15, 2010 Open Board Agenda and considered it informational.

- J. New Jersey Board of Medical Examiners
July 14, 2010 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners July 14, 2010 Open Board Minutes and considered them informational.

Upon a motion made by Dr. Harfst and seconded by Dr. Desrivieres, 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 require review and additional recommendations with regard to investigation and/or actions.
2. Six matters where additional information has been submitted to the Board concerning pending investigations.

VII. Adjournment

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to adjourn the Regular Session Meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director