

**New Jersey State Board of Optometrists  
Regular Session Minutes  
September 16, 2009**

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 16, 2009. 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:

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

Also present were: CARMEN RODRIGUEZ, Deputy Attorney General; LISA AFFINITO, Executive Director and Matthew Johnson, Legal Intern

Members of the public: Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians

I. Approval of Regular Session Minutes

A. June 17, 2009

A motion was made by Dr. Steiner and seconded by Dr. Harfst to approve the June 17, 2009 Regular Session Minutes as presented. A vote was taken and the motion carried by a unanimous vote.

II. Board Review of New Jersey Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 1. Advertisements and Solicitation

The Board completed their review of Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 1. Advertisements and Solicitation for Sunsetting and made no recommendations for additional language or clarification of existing language. The Board will review Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 2. General Rules of Optometric Practice at its October 21, 2009 meeting.

III. New Business

A. Letter from Hillel J. Karp, MD  
RE: Scope of Practice

Dr. Karp inquired whether an optometrist could order x-ray tests or an MRI of the brain with and without contrast.

A motion was made by Dr. Steiner and seconded by Mr. Bent to advise Dr. Karp that it is within the scope of practice of optometry for an optometrist to order tests such as x-rays or an MRI for diagnostic purposes related to the eye as the test can confirm diagnosis. A vote was taken and the motion carried by a unanimous vote.

B. Inquiry from Mary H. Fityere  
RE: Scope of Practice

Ms. Fityere inquired whether an optometrist could write a prescription for an ultrasound carotid study for ocular hypertension with suspected glaucoma.

A motion was made by Dr. Steiner and seconded by Dr. Florio to advise Ms. Fityere that it is within the scope of practice of optometry for an optometrist to order an ultrasound carotid study for diagnostic purposes related to the eye as the test can confirm diagnosis. A vote was taken and the motion carried by a unanimous vote.

C. Inquiry from Christine Smyth

RE: Eye examinations

Ms. Smyth inquired whether it was necessary or mandatory for an optometrist to take a patient's blood pressure.

A motion was made by Mr. Bent and seconded by Dr. Harfst to advise Ms. Smyth that it is within the professional judgment of the optometrist whether to take a patient's blood pressure but it is not a mandatory procedure. A vote was taken and the motion carried by a unanimous vote.

D. Letter from Christopher Dente, O.D.

RE: Scope of Practice

Dr. Dente inquired whether drainage of a conjunctival cyst was within the scope of practice of optometry.

A motion was made by Mr. Bent and seconded by Dr. Harfst to advise Dr. Dente that drainage of a conjunctival cyst by expression is within the scope of practice of optometry, however, drainage of a conjunctival cyst by incision is not within the scope of practice of optometry. A vote was taken and the motion carried by a unanimous vote.

E. Inquiry from Ed McGinn

RE: Opikam Dispensing Assistant System

Mr. McGinn inquired whether it was required to receive approval from the New Jersey State Board of Optometrists to open a retail eyeglass store. Mr. McGinn also inquired whether the use of an Optikam Dispensing Assistant System was permissible.

A motion was made by Dr. Harfst and seconded by Dr. Florio to advise Mr. McGinn that the Board does not grant approval for the opening of retail establishments. The Board will also advise Mr. McGinn that they have referred his question concerning the Optikam Dispensing Assistant System to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians. A vote was taken and the motion carried by a unanimous vote.

F. Letter from John Matsinger, Medical Director of Virtua

RE: Scope of Practice

Mr. Matsinger inquired whether an optometrist is permitted to practice in an emergency room or an acute hospital setting.

A motion was made by Dr. Harfst and seconded by Dr. Steiner to advise Mr. Matsinger that an optometrist can practice in an emergency room or an acute hospital setting. A vote was taken and the motion carried by a unanimous vote.

G. Inquiry from The Witlin Center

RE: Continuing Education Course

Mr. Stern from the Witlin Center provided the Board with a proposed distance learning course and asked

the Board for its approval.

The Board will advise Mr. Stern that the Board does not approve distance learning courses and he may wish to contact the Council of Optometric Practitioner Education (COPE) for approval of this particular course.

H. Letter from Robert J. Gilbert  
RE: Temporary Services

Mr. Gilbert advised the Board that he represents a New Jersey corporation, founded by a New Jersey licensed optometrist, who is interested in providing optometric business owners with part-time/temporary licensed optometrists to work in their practices throughout the year. Mr. Gilbert provided the Board with a proposal concerning how the corporation would provide such services.

Mr. Gilbert also noted that the Board has an application for notification of providing temporary services and requested the average monthly or yearly data regarding this application.

A motion was made by Dr. Steiner and seconded by Dr. Florio to advise Mr. Gilbert that it is statutorily mandated that a New Jersey licensed optometrist obtain a branch office registration certificate for each and every location that he or she practices pursuant to N.J.S.A. 45:12-9 and the Board cannot waive this requirement. The Board will also advise Mr. Gilbert that the Board has a mechanism for an optometrist providing temporary coverage on a non-repetitive basis. The Board will advise Mr. Gilbert that last year the Board received approximately 60 applications for notification of providing temporary services. A vote was taken and the motion carried by a unanimous vote.

I. Inquiry from Pam Pennella  
RE: Eyeglass prescription

Ms. Pennella inquired whether an optometrist must include the “pupillary and height measurements” on an eyeglass prescription.

The Board will advise Ms. Pennella that it is not required for an optometrist to include the interpupillary distance and height segment measurements on an eyeglass prescription. The interpupillary distance and height segment measurements need to be established by the individual who fits the frame as frames are available in different sizes.

#### IV. For Your Information

A. Notification from the Association of Regulatory Boards of Optometry  
RE: American Board of Optometry (ABO)

The Board reviewed a notification from the Association of Regulatory Boards of Optometry regarding the American Board of Optometry and considered it informational.

B. Notification from the North Carolina State Board of Examiners in Optometry  
RE: American Board of Optometry (ABO)

The Board reviewed a notification from the North Carolina State Board of Examiners in Optometry regarding the American Board of Optometry and considered it informational.

C. Notification from the Nova Southeastern University College of Optometry  
RE: TPA Certification Course

The Board received notification from the Nova Southeastern University College of Optometry concerning a TPA Certification course that they plan to hold in 2010. The Board will send the Nova Southeastern

University College of Optometry New Jersey's requirements for the TPA Certification course.

D. Division of Consumer Affairs

New Jersey Uniform Prescription Blanks Program

NJPB Required for Prescriptions; Manufacture and

Distribution by Approved Vendors; Withdrawal or

Termination from NJPB Program; NJPB Printing B Specifications; Vendor Requirements

Proposed Amendments: N.J.A.C. 13:45A-27.3, 27.7, 27.8 and 27.9

From the July 6, 2009 New Jersey Register

The Board reviewed the Proposed Amendments: N.J.A.C. 13:45A-27.3, 27.7, 27.8 and 27.9 and considered them informational.

E. Spring 2009 issue of The Green Sheet

The Board reviewed the Spring 2009 issue of the The Green Sheet and considered it informational.

F. New Jersey Board of Medical Examiners'

August 12, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' August 12, 2009 Open Board Agenda and considered it informational.

G. New Jersey Board of Medical Examiners'

August 12, 2009 Open Agenda of Disciplinary

Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' August 12, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

H. New Jersey Board of Medical Examiners'

June 10, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' June 10, 2009 Open Board Minutes and considered them informational.

I. New Jersey Board of Medical Examiners'

June 10, 2009 Open Minutes of Disciplinary

Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' June 10, 2009 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

J. New Jersey Board of Medical Examiners'

September 9, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' September 9, 2009 Open Board Agenda and considered it informational.

K. New Jersey Board of Medical Examiners'

July 9, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' July 9, 2009 Open Board Minutes and considered them informational.

L. New Jersey Board of Medical Examiners'

## July 8, 2009 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' July 8, 2009 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

M. Signed Settlement letter - Kara Pasner, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Pasner together with a check in the amount of \$1000.00 for violation of N.J.S.A. 45:12-9. The Board will consider this matter to be concluded.

Upon a motion made by Dr. Harfst and seconded by Dr. Florio, 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. Four matters filed with the Board which requires review and additional recommendations with regard to investigations and/or actions.
2. Eleven matters where additional information has been submitted to the Board concerning pending investigations.

V. Adjournment

A motion was made by Dr. Harfst and seconded by Dr. Steiner to adjourn the Regular Session Meeting at 3:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito  
Executive Director