

New Jersey State Board of Optometrists
Regular Session Minutes
September 17, 2008

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 17, 2008. Leonard Steiner, 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 9:05 A.M. A roll call was taken and the following attendance was recorded:

PAUL BENT Present
GIGETTE COLLAZO HARFST, O.D. Absent
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 PETROWSKI, Assistant to the Executive Director; SUSAN GARTLAND, Representative of the Division of Consumer Affairs; Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians.

I. Public Comment

II. Approval of Regular Session Minutes

A. July 16, 2008

A motion was made by Dr. Fink and seconded by Dr. Florio to approve the July 16, 2008 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Mark A. Wilburn
RE: Oral Medication

Mr. Wilburn inquired whether New Jersey licensed optometrists can buy oral antibiotics.

A motion was made by Dr. Fink and seconded by Mr. Bent to advise Mr. Wilburn that a New Jersey licensed optometrist who is certified to prescribe topical and oral medications can buy oral antibiotics. The Board will also provide Mr. Wilburn with a copy of its statutes and regulations. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Lois G. Fiore, O.D.
RE: Final Order of Discipline filed July 16, 2008

Dr. Fiore advised the Board that Horizon Blue Cross Blue Shield was told that she had a disciplinary action prior to the Final Order of Discipline being filed on July 16, 2008.

A motion was made by Dr. Fink and seconded by Mr. Bent to advise Dr. Fiore that a Provisional Order of Discipline was filed on August 24, 2007 for this matter and the Provisional Order of Discipline is information that is available to the public. A Final Order of Discipline is filed after a Provisional Order of Discipline and they are both public information. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Leah Kim, O.D.
RE: Continuing Education

Dr. Kim advised the Board that she was licensed on April 24, 2008 and is required to complete 25 continuing education credits because she was licensed in the first year of this biennial. Dr. Kim advised the Board that she would have been exempt from the continuing education requirement if she was licensed on or after May 1, 2008. Dr. Kim asked the Board for a waiver of the continuing education requirement as she would have requested that her license be processed after May 1, 2008 if she had known that she would of been exempt from the continuing education requirement if she was granted a licensed on or after May 1, 2008.

A motion was made by Mr. Bent and seconded by Dr. Florio to deny Dr. Kim's request for a waiver of the continuing education requirement. A vote was taken and the motion carried by a unanimous vote.

D. Letter from the Association of Regulatory Boards of Optometry
RE: Request for Board Approval of Council of Optometric Practitioner Education (COPE) Course Reviewer

The Association of Regulatory Boards of Optometry requested the Board's approval of Stewart Wang, O.D. as a COPE Course Reviewer.

A motion was made by Dr. Fink and seconded by Dr. Florio to advise the Association of Regulatory Boards of Optometry that it approves of Stewart Wang, O.D. as a COPE Course Reviewer. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Norman P. Einhorn, O.D.
RE: Optometric Scope of Practice

Dr. Einhorn inquired whether Visual Evoked Potential is within the scope of practice of optometry.

A motion was made by Dr. Fink and seconded by Mr. Bent to advise Dr. Einhorn that Visual Evoked Potential is within the scope of practice of optometry. A vote was taken and the motion carried by a unanimous vote.

IV. Old Business

A. Certificate of Debt
Kenneth Jay Horowitz, O.D.
Final Order of Discipline filed February 18, 2004

Dr. Kenneth Horowitz's wife, Eileen Horowitz, advised the Board that the Certificate of Debt was attached to her residence even though Dr. Horowitz is not on the property deed. Eileen Horowitz also inquired whether the \$5,000 civil penalty assessed in the Final Order of Discipline filed February 18, 2004 in the matter of Dr. Horowitz could be paid in monthly installments.

The Board advised Dr. Kenneth Horowitz and his wife that it would accept the \$5,000 civil penalty in 18 monthly installments. The Board further advised Dr. Horowitz and his wife that the Certificate of Debt would be removed upon receipt of the full satisfaction of the \$5,000 civil penalty. The Board requested from Dr. Horowitz and his wife a notarized letter which indicated that Dr. Horowitz is not the owner of the property.

The Board noted that it has not yet receive a notarized statement or any payment toward the \$5,000 civil penalty. The Board noted that the Certificate of Debt was filed against Dr. Horowitz and the property was the address provided by Dr. Horowitz as his address of record. A motion was made by Dr. Fink and seconded by Mr. Bent to reaffirm the Board's original decision and the Certificate of Debt. A vote was

taken and the motion carried by a unanimous vote.

V. For Your Information

A. Signed Settlement letter - Jeffrey Kaufman, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Kaufman together with a check in the amount of \$5194.50 for violation of N.J.A.C. 13:38-2.1. The Board will consider this matter concluded once Dr. Kaufman completes the coursework provision of the Settlement letter.

B. Consent Order filed July 16, 2008 In the matter of Roger A. Young, O.D.

The Board is in receipt of a Consent Order filed July 18, 2008 in the matter of Roger Young, O.D. for violation of N.J.S.A. 45:1-22 and N.J.A.C. 13:38-2.1(c)10. The Board will consider this matter concluded once they receive full payment of the \$10,000 civil penalty and he completes the coursework provision of the Consent Order.

C. Final Order of Discipline filed July 16, 2008 In the matter of Lois G. Fiore, O.D.

The Board is in receipt of a Final Order of Discipline filed July 16, 2008 in the matter of Lois G. Fiore, O.D. for violation of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3 together with a check in the amount of \$2,000 civil penalty. The Board now considers this matter concluded.

D. Final Order of Discipline filed July 16, 2008 In the matter of Lee Hersh, O.D.

The Board is in receipt of a Final Order of Discipline filed July 16, 2008 in the matter of Lee Hersh for violation of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3. The Board will consider this matter concluded once they receive full payment of the \$2,000 civil penalty.

VI. Adjournment

A motion was made by Dr. Florio and seconded by Mr. Bent 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