



New Jersey State Board of Optometrists

Regular Session Minutes

September 18, 2002

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 18, 2002. **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 9:05 A.M. A roll call was taken and the following attendance was recorded:

GORDON COMPTON	Present
MITCHELL FINK, O.D.	Present
JOSEPH SCHKOLNICK, O.D.	Present
LEONARD STEINER, O.D.	Present
LEONARD STRULOWITZ, O.D.	Arrived at 12:30 P.M.
RALPH WHITE	Absent

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. July 17, 2002

A motion was made by Dr. Schkolnick and seconded by Mr. Compton to accept the July 17, 2002 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. 9:30 A.M. Discussion on General advertising practices N.J.A.C. 13:38-1.2(f) and Delegation of duties to ancillary personnel N.J.A.C. 13:38-2.11 with Danielle Swenson, Regulatory Analyst

Danielle Swenson, Regulatory Analyst, met with the Board regarding draft additional language for N.J.A.C.-1.2(f) the use of titles obtained from post graduate fellowships. A motion was made by Dr. Fink and seconded by Mr. Compton to approve the draft language as presented. The regulation with the additional language will be forwarded to the

Regulatory Department for promulgation.

The Board reviewed additional language for **N.J.A.C.** 13:38-1.2(l) and determined that the language in the regulation should remain without the additional language. The President of the Board, Leonard Steiner, O.D., assigned Board member, Joseph Schkolnick, O.D., to draft a policy statement concerning advertising license and certification numbers on letterhead and in telephone directories. The Board will review the draft policy statement at a future meeting.

The Board will hold discussion on additional language to the regulation on Delegation of duties to ancillary personnel **N.J.A.C.** 13:38-2.11 with Danielle Swenson, Regulatory Analyst at a future Board meeting.

B. Letter from Sharon L. Kais, Executive Secretary of the New Jersey Society of Optometric Physicians RE: Clarification of COPE TPA/Regular Credit

The New Jersey Society of Optometric Physicians interpreted the New Jersey State Board of Optometrists' Continuing Education regulation **N.J.A.C.** 13:38-7 as it pertains to which Council of Optometric Practitioner Education (COPE) categories are considered TPA credit verses Regular credit and asked the Board for it's determination concerning their interpretation identified below.

COPE CATEGORY & CODE

Contact Lense (CL) - **Regular Credit**

Functional Vision/Pediatrics (FV) - **Regular Credit**

General Optometry (GO) - **Regular Credit**

Glaucoma (GL) - **TPA Credit**

Jurisprudence (JP) - **Regular Credit**

Low Vision (LV) - **Regular Credit**

Neuro-Optometry (NO) - **TPA Credit**

Peri-Operative Management of Ophthalmic Surgery (OS) - **TPA Credit**

Pharmacology (PH) - **TPA Credit**

Practice Management (PM) - **Regular Credit**

Principles of Diagnosis (PD) - **TPA Credit**

Refractive Surgery Management (RS) - **TPA Credit**

Treatment & Management of Ocular Disease: Ant. Seg. (TA) - **TPA Credit**

Treatment & Management of Ocular Disease: Post. Seg (PS) - **TPA Credit**

Systemic/Ocular Disease (SD) - **TPA Credit**

A motion was made by Dr. Fink and seconded by Dr. Schkolnick to advise the New Jersey Society of Optometric Physicians that they can use the above list as a guideline for COPE courses, but the Board reserves the right on a case by case basis to determine otherwise upon review of courses submitted by audited licensees. A vote was taken and the motion carried by a unanimous vote.

C. Application for N.J. Licensure
RE: Saras Rustagi, O.D.

The Board reviewed a letter from Saras Rustagi, O.D. regarding a misdemeanor he had in 1993 which was later expunged from his record. Based on the letter supplied by the applicant it seems as though there have been no further violations of this nature since that time. A motion was made by Dr. Fink and seconded by Mr. Compton to approve Dr. Rustagi for licensure in New Jersey as he has met all the licensure requirements. A vote was taken and the motion carried by a unanimous vote.

D. Application of N.J. Licensure
RE: Marie Homa-Palladino, O.D.

The Board reviewed a letter from Dr. Palladino regarding her two year leave of absence from the practice of optometry in order to begin a family. Dr. Palladino advised the Board that she has an optometric license in Pennsylvania but has

not practiced optometry in two years. In that two year period Dr. Palladino has maintained her continuing education credits. A motion was made by Dr. Fink and seconded by Mr. Compton to approve Dr. Palladino for licensure in New Jersey once she meets all the licensure requirements. A vote was taken and the motion carried by a unanimous vote.

IV. Old Business

A. Response from Thomas L. Lewis, O.D., President of the Pennsylvania College of Optometry RE: Externship

Dr. Thomas L. Lewis, O.D., President, and Dr. Anthony De Stefano, Vice President, of the Pennsylvania College of Optometry previously asked the Board to consider amending **N.J.A.C. 13:38-2.12** to include third year students. At its June, 2002 meeting the Board voted not to amend **N.J.A.C. 13:38-2.12** and it will remain for fourth year students exclusively.

Dr. Lewis wrote the Board and suggested that perhaps the Board can amend the regulation to define the criteria for externship eligibility allowing only appropriately prepared students to be placed in externship sites located in New Jersey rather than limiting externships to only fourth year students. The Board will request additional information from Dr. Lewis concerning the specific preparation to determine equivalency of a three and a half year student to a fourth year student in years past.

B. Response from New Jersey Society of Optometric Physicians RE: Additional CPT Codes

The New Jersey Society of Optometric Physicians wrote the Board and asked whether CPT code 97112, 96110, and 92136 could be added to the Board's approved CPT Code list. A motion was made by Dr. Fink and seconded by Mr. Compton to add CPT code 97112, 96110, and 92136 to the New Jersey State Board of Optometrists approved CPT Code list. A vote was taken and the motion carried by a unanimous vote.

V. For Your Information

A. Notification from the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians RE: Cancellation of its August 14, 2002 meeting

The Board reviewed the notification from the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians regarding the cancellation of its August 14, 2002 meeting and considered it informational.

B. Signed Certification - Steven Weisfeld, O.D.

The Board is in receipt of a signed certification from Dr. Weisfeld together with a check in the amount of two hundred and fifty dollars (\$250.00) for violation of **N.J.A.C. 13:38-1.2(l) General advertising practices**. The Board considers this matter to be concluded.

C. Division of Consumer Affairs New Jersey State Board of Optometrists Excessive Fees

Adopted New Rule: N.J.A.C. 13:38-2.15 from the August 19, 2002 issue of the New Jersey Register

The Board reviewed the Adopted New Rule: N.J.A.C. 13:38-2.15 from the August 19, 2002 issue of the New Jersey Register and considered it informational.

D. Withdrawn Final Order of Discipline filed February 20, 2002 in the matter of Edward R. DeNeve, O.D.

On February 20, 2002 the Board filed a Final Order of Discipline suspending the optometric license of Edward R.

Deneve, O.D. in accordance with **N.J.S.A. 45:17-7.1(b)** as he failed to submit payment of registration renewal fees within the specified time period. On June 19, 2002 the Board withdrew the Final Order of Discipline filed on February 20, 2002 as Dr. Deneve notified the Board and advised it that he had moved to New York and had not practiced optometry in the State of New Jersey since March of 2001.

E. Report of the actions taken by the Accreditation Council on Optometric Education at its Annual Meeting on June 26-29, 2002 in New Orleans, Louisiana provided by Joyce L. Urbeck, Administrative Director of the Accreditation Council on Optometric Education

The Board reviewed the report of the actions taken by the Accreditation Council on Optometric Education at its Annual Meeting on June 26-29, 2002 and considered it informational.

F. Article, "MDs give tinted lenses a black eye" from the August 27, 2002 issue of the Star-Ledger

The Board reviewed the article, "MDs give tinted lenses a black eye" from the August 27, 2002 issue of the Star-Ledger and considered it informational.

G. Division of Consumer Affairs

State Board of Pharmacy

Proposed Amendment: N.J.A.C. 13:39-5.8

Proposed New Rules: N.J.A.C. 13:39-5.8A and 5.8B

from the September 3, 2002 issue of the New Jersey Register

The Board reviewed the State Board of Pharmacy Proposed Amendment: N.J.A.C. 13:39-5.8 and Proposed New Rules: N.J.A.C. 13:39-5.8A and 5.8B from the September 3, 2002 issue of the New Jersey Register and considered it informational.

H. Division of Consumer Affairs

State Board of Medical Examiners

Proposed New Rules: N.J.A.C. 13:35-7.1A, 7.4 and 7.4A

from the September 3, 2002 issue of the New Jersey Register

The Board reviewed the State Board of Medical Examiners Proposed New Rules: N.J.A.C. 13:35-7.1A, 7.4 and 7.4A from the September 3, 2002 issue of the New Jersey Register and considered it informational.

I. MSNJ Medical Issues August, 2002 Monthly Update

The Board reviewed the MSNJ Medical Issues August, 2002 Monthly Update and considered it informational.

J. Signed Settlement letter - John Collini, O.D.

The Board is in receipt of a signed settlement letter from Dr. Collini together with a check in the amount of five thousand two hundred and forty dollars (\$5,240.00) for violation of **N.J.S.A. 45:12-19.1 Practicing under another's name; employment by others**. The Board considers this matter to be concluded.

K. Consent Order filed August 12, 2002

In the Matter of Howard Novie, O.D.

The Board is in receipt of a modified Consent Order filed August 12, 2002 in the matter of Howard Novie, O.D. This Order supersedes and voids the Consent Order filed August 6, 1999.

VI. Adjournment

A motion was made by Dr. Strulowitz and seconded by Dr. Fink to adjourn the Regular Session Meeting at 4:30 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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Posted December 2002