

**New Jersey State Board of Optometrists  
Regular Session Minutes  
September 19, 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, September 19, 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 9:10 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. 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.

**I. Public Comment**

**II. Approval of Regular Session Minutes**

A. August 15, 2007

A motion was made by Dr. Harfst and seconded by Dr. Fink to approve the August 15, 2007 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

**III. New Business**

A. Letter from Errol Rummel, O.D.  
RE: Continuing Education

Dr. Rummel wrote the Board concerning N.J.A.C. 13:38-7.3(a), "An applicant for an active registration renewal certificate shall complete, during the preceding biennial period, a minimum of 50 credits of continuing professional optometric education. At least 30 of the 50 credits shall consist of courses or programs classified as therapeutic pharmaceutical agents (TPA) credits and shall be primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease, of which 10 of the 30 continuing professional optometric education credits shall be in oral TPA. The remaining 20 continuing professional optometric education credits shall be in content areas set forth in N.J.A.C. 13:38-7.4". Dr. Rummel inquired why the Board is requiring every active licensed optometrist to obtain 10 continuing professional optometric education credits in oral TPA including optometrists who are not certified in oral TPA. Dr. Rummel also informed the Board that there are few continuing education sponsors that are offering courses in oral TPA which will make it difficult for every active licensed optometrist to obtain the 10 oral TPA credits within a biennial renewal period.

The Board will advise Dr. Rummel that the highest practice level in optometry in New Jersey is oral TPA in accordance with the current New Jersey optometric practice act that was amended in 2004. All active licensed optometrists in New Jersey must take 10 credits in oral TPA so they are familiar and knowledgeable in every level of their profession even if they are not certified to practice at the oral TPA level. This additional

requirement will reassure the consumers of New Jersey that the Board of Optometrists is concerned about their health and safety.

B. Letter from Jeffrey Seymour Starr, O.D.  
RE: Request for waiver of renewal late 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 late renewal 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 must 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 license pursuant to N.J.S.A. 45:1-30 (e)1.

Dr. Starr's inactive-paid license expired on April 30, 2007. Dr. Starr advised the Board that because he does not have internet access, he called the telephone number on his renewal notice in February of 2007 in order to obtain a paper renewal. Dr. Starr provided the Board with documentation evidencing his request for a paper renewal. Dr. Starr claims that he did not receive the paper renewal but 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. Starr inquired whether the Board would waive his reinstatement fee and criminal history background check.

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

#### **IV. Old Business**

A. Response from Edward J. Cogan, O.D.  
RE: Continuing Education

Dr. Cogan wrote the Board in March of 2007 advising it that he had obtained 7.5 continuing education credits towards the 50 necessary for renewal and requesting a waiver of the remaining 42.5 continuing education credits due to his severe medical condition. Dr. Cogan did not initially supply the Board with a letter from his physician concerning his medical condition.

As the Board requested, Dr. Cogan provided it with a letter from his treating physician, Anil Ponnambalam, MD, as well as a notarized statement concerning the amount of time he has practiced optometry during the time he has been diagnosed and treated for his medical condition.

In May of 2007, the Board granted Dr. Cogan a 90 day extension to complete the remaining 42.5 continuing education credits. The Board also permitted Dr. Cogan to obtain 30 of the 50 continuing education credits from internet and/or correspondence courses.

Dr. Cogan wrote the Board advising it that he was unable to complete the remaining 42.5 continuing education credits during the 90 day extension due to his illness and requested that his license be placed on inactive paid status.

A motion was made by Dr. Fink and seconded by Dr. Harfst to accept Dr. Cogan's request to be placed on inactive paid status. The Board will advise Dr. Cogan that he must comply with the continuing education requirement in order to reactivate his New Jersey optometric license. A vote was taken and the motion carried by a unanimous vote.

#### **V. For Your Information**

A. Letter from Stephen B. Nolan, Acting Director of the Division of Consumer Affairs to Todd C. Brower, Esq. of the New Jersey Academy of Ophthalmology RE: List of Current Procedural Terminology (CPT) Codes

The Board reviewed a letter from Stephen B. Nolan, Acting Director of the Division of Consumer Affairs to Todd C. Brower, Esq. of the New Jersey Academy of Ophthalmology and considered it informational.

B. Approval of Drug Enforcement Administration (DEA) registration for New Jersey Licensed Optometrists

The Board reviewed information concerning the approval of DEA registration for New Jersey licensed optometrists and considered it informational.

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. Five matters filed with the Board which requires review and additional recommendations with regard to investigations and/or actions.

2. Twelve matters where additional information has been submitted to the Board concerning pending investigations.

## **VI. Adjournment**

A motion was made by Dr. Fink and seconded by Dr. Harfst to adjourn the Regular Session Meeting at 2:10 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Leonard Steiner, O.D.  
Board President