

**New Jersey State Board of Optometrists  
Regular Session Minutes  
September 21, 2005**

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 21, 2005. Mitchell Fink, 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:

GIGETTE COLLAZO, O.D. Present  
GORDON COMPTON Absent  
MITCHELL FINK, O.D. Present  
JOHN FLORIO, O.D. Present  
MAYOR JAMES GUIDA Absent  
JOSEPH SCHKOLNICK, O.D. Absent  
LEONARD STEINER, O.D. Present

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 20, 2005

A motion was made by Dr. Steiner and seconded by Dr. Collazo to approve the July 20, 2005 Regular Session Minutes as presented. A vote was taken and the motion carried by a unanimous vote.

**III. New Business**

A. Letter from Jay Feder, O.D.  
RE: Request for refund of late renewal fee

Dr. Feder wrote the Board and requested a waiver of the renewal late fee. Dr. Feder advised the Board that he called the Board office on April 28, 2005 concerning his options for renewing his license before the deadline of April 30, 2005. Dr. Feder claims that The Board office did not inform him that he could renew his license on the internet. Dr. Feder further claims that he would have renewed his license before the deadline of April 30, 2005 and not have incurred the late fee if he was informed that he could renew his license on the internet.

The Board noted that Dr. Feder contacted the Board office on April 28, 2005 to change his address as well as his status from active to inactive-paid. Pursuant to N.J.S.A. 45:12-8, "Every person practicing optometry in New Jersey shall notify the board in writing of any change of address or location of his office or offices at least 5 days prior to occupying said new office, returning therewith the appropriate registration renewal certificate or certificates and the board shall issue a new registration renewal certificate or certificates for the new office location or locations".

A motion was made by Dr. Florio and seconded by Dr. Steiner to deny Dr. Feder's waiver request. The Board opined that licensees were sent more than one notice to their address of record concerning the renewal as post cards were mailed to licensees in January of 2005 concerning upcoming renewal, licensees were also notified in February of 2005 that they could renew their license on the internet; and the renewal applications were then sent

to licensees in early March. Dr. Feder would have received these notifications if he had notified the Board of his address changed pursuant to N.J.S.A. 45:12-8. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Anna Marie Fernandez, O.D.  
RE: TPA Certification

Dr. Fernandez informed the Board that she completed a course offered in New York for 56 hours concentrated ocular therapeutics in 1996 and passed the Treatment and Management of Ocular Disease (TMOD) examination administered by the National Board of Examiners in Optometry in 1996 and inquired whether she qualified for the New Jersey Therapeutic Pharmaceutical Agents (TPA) certification.

A motion was made by Dr. Collazo and seconded by Dr. Florio to advise Dr. Fernandez that she must complete an ocular pharmacology course, which has been and is currently a 100 hour course, from an accredited Optometry School as the education shall be no less than that required of currently enrolled students as part of their requirements from that school and subsequently take and pass the TMOD examination. The Board will further advise Dr. Fernandez that she must provide the Board with documentation of having passed the 100 hour course in ocular pharmacology as well as retaking the TMOD examination to be eligible to be certified in Therapeutic Pharmaceutical Agents. A vote was taken and the motion carried by a unanimous vote.

C. Memorandum from Peter C. Harvey, Attorney General of New Jersey  
RE: Readoption of 13:45C; Duty to Cooperate Regulation

After the Board reviewed the Proposed Readoption with Amendments: N.J.A.C. 13:45C, a motion was made by Dr. Steiner and seconded by Dr. Collazo to approve the amendments. A vote was taken and the motion carried by a unanimous vote.

#### **IV. For Your Information**

A. New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians's May 11, 2005 Public Session Minutes and July 13, 2005 Public Session Agenda

The Board reviewed the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians's May 11, 2005 Public Session Minutes and July 13, 2005 Public Session Agenda and considered them informational.

B. Letter from the Association of Regulatory Boards of Optometry  
RE: Update study of complications associated with invalid contact lens prescriptions

The Board reviewed a letter from the Association of Regulatory Boards of Optometry concerning an update of their study of complications associated with invalid contact lens prescriptions and considered it informational.

C. Letter from the Accreditation Council on Optometric Education  
RE: Call for comments on Core Competencies/Value Added Attributes of Optometric Residencies

The Board reviewed a letter from the Accreditation Council on Optometric Education concerning optometric residency programs and considered it informational.

D. Final Order filed August 17, 2005 in the matter of Christian Miller, O.D.

The Board is in receipt of a Final Order filed August 17, 2005 in the matter of Christian Miller, O.D. for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.S.A. 45:1-21(a) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions; and N.J.A.C. 13:38-7.1 Active registration renewal; continuing education requirement. The Board considers this matter to be concluded.

E. Signed Assurance of Voluntary Compliance letters

1. Marie Levine, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Marie Levine, O.D. for violation of N.J.A.C. 13:38-1.2(l) General advertising practices. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Levine. The Board considers this matter to be concluded.

2. Nina Masi, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Dr. Masi for violation of N.J.S.A. 45:1-21 Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions and N.J.A.C. 13:35-7.2 Prescription, Administration and Dispensing of Drugs. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Masi. The Board considers this matter to be concluded.

3. Howard Sherman, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Dr. Sherman for violation of N.J.S.A. 45:1-21 Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions and N.J.A.C. 13:35-7.2 Prescription, Administration and Dispensing of Drugs. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Sherman. The Board considers this matter to be concluded.

F. Signed Settlement letter - Arnold Shapiro, O.D.

The Board is in receipt of a signed Settlement letter for violation of N.J.S.A. 45:1-21(e) 45:1-21 Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

G. Signed Settlement letter - Joseph Sansanelli, Jr., O.D.

The Board is in receipt of a signed Settlement letter together with a check in the amount of \$8426.44 for violation of N.J.S.A. 45:1-21(e) 45:1-21 Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

H. Article, "Plano Contacts to be 'Medical Devices'?"

From the Review of Optometry

The Board reviewed an article, "Plano Contacts to be 'Medical Devices'?" from the Review of Optometry and considered it informational.

## **V. Adjournment**

A motion was made by Dr. Collazo 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,

Susan H. Gartland  
Executive Director