

**NEW JERSEY STATE BOARD OF OPTOMETRISTS
REGULAR SESSION MINUTES
OCTOBER 15, 2003**

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, October 15, 2003. 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 9:00 A.M. A roll call was taken and the following attendance was recorded:

GIGETTE COLLAZO, O.D. Present
GORDON COMPTON Present
MITCHELL FINK, O.D. Present
JOSEPH SCHKOLNICK, O.D. Present
LEONARD STEINER, O.D. Present
LEONARD STRULOWITZ, O.D. Present
RALPH WHITE Present

Also present were: SUSAN H. GARTLAND, Executive Director; OLGA BRADFORD, Deputy Attorney General; LISA PETROWSKI, Assistant to the Executive Director.

I. Public Comment

II. Approval of Regular Session Minutes

A. September 17, 2003

A motion was made by Mr. Compton and seconded by Dr. Fink to accept the September 17, 2003 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from John D. Shea, Esq. RE: Permissible Business Structures

Mr. Shea inquired whether an independent doctor of optometry could enter into a professional limited liability corporation with an optician. A motion was made by Dr. Fink and seconded by Dr. Collazo to advise Mr. Shea that an optometrist cannot enter into a professional limited liability corporation with an optician in accordance with N.J.A.C. 13:38-1.3 Permissible business structures. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Will Stabler RE: Retail Optical Store

Mr. Stabler advised the Board that he is not a licensed optician, optometrist, or ophthalmologist and would like to open a retail optical store that would dispense prescription eyeglasses. Mr. Stabler inquired whether there were any statutes and regulations that would restrict someone who is not a licensed optician, optometrist, or ophthalmologist from opening a retail optical store. The Board will refer Mr. Stabler's letter to the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians as the dispensing of eyeglasses

in an optical retail establishment is within their jurisdiction.

C. Letter from Deborah A. Holzman, Esq.

RE: Paul Speesler, O.D.

Ms. Holzman advised the New Jersey State Board of Optometrists that the Pennsylvania Board of Optometrists issued Dr. Speesler a public reprimand for his failure to report the disciplinary action taken in New Jersey to Pennsylvania. The Board will keep this information in Dr. Speesler's licensee file for future reference.

D. Letter from Annette R. Fedyna, O.D.

RE: Continuing Education

Dr. Fedyna advised the Board that she would like to activate her New Jersey license but does not have the 50 required continuing education credits due to personal hardship and asked the Board if they would consider waiving the required continuing education credits. A motion was made by Dr. Collazo and seconded by Dr. Fink to deny Dr. Fedyna's request to waive the required 50 continuing education credits. Dr. Fedyna will be advised that her license will be activated upon receipt of the required 50 continuing education credits. Dr. Fedyna will also be advised that the 50 credits that she obtains to activate her license cannot be used to renew her license in 2005. A vote was taken and the motion carried by a unanimous vote.

IV. Old Business

A. Letter from Joyes Abraham, O.D.

RE: Criteria and Definition of legal blindness in New Jersey

Pending from the July 16, 2003 meeting

Dr. Abraham asked the Board for the criteria and definition of legal blindness for New Jersey. Carmen Rodriguez, D.A.G. will research this information and advise the Board at a future meeting.

V. For Your Information

A. Division of Consumer Affairs

Administrative Rules of the Division of Consumer Affairs

New Jersey Uniform Prescription Blanks Program

Proposed New Rules: N.J.A.C. 13:45-A-27

The Board reviewed the Division of Consumer Affairs Administrative Rules of the Division of Consumer Affairs New Jersey Uniform Prescription Blanks Program Proposed New Rules: N.J.A.C. 13:45-A-27 from the September 15, 2003 issue of the New Jersey Register and considered it informational.

B. Division of Consumer Affairs

State Board of Medical Examiners

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

The Board reviewed the Division of Consumer Affairs State Board of Medical Examiners Adopted New Rules: N.J.A.C. 13:35-7.1A, 7.4 and 7.4A from the September 15, 2003 issue of the New Jersey Register and considered it informational.

C. Division of Consumer Affairs

State Board of Pharmacy

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

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

The Board reviewed Division of Consumer Affairs State Board of Pharmacy Adopted Amendment: N.J.A.C.

13:39-5.8 and Adopted New Rules: N.J.A.C. 13:39-5.8A and 5.8B from the September 15, 2003 issue of the New Jersey Register and considered it informational.

**D. Division of State Police
Criminal History Record Background Checks Fees
Proposed Amendment: N.J.A.C. 13:59-1.3**

The Board reviewed Division of State Police Criminal History Record Background Checks Fees Proposed Amendment: N.J.A.C. 13:59-1.3 from the September 15, 2003 issue of the New Jersey Register and considered it informational.

**E. Final Decision and Order After UPL Explanation filed September 17, 2003
In the matter of Yuriy Trytjak, O.D.**

The Board is in receipt of a Final Decision and Order After UPL Explanation filed September 17, 2003 from Dr. Trytjak and a check in the amount of five hundred dollars (\$500.00) for violation of N.J.A.C. 13:38-1.2(c)7 General advertising practices and N.J.A.C. 13:38-1.4 (d) Optometric practice under assumed names and disclosure of practitioner names. The Board considers this matter to be concluded.

**F. The New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians's
October 8, 2003 Public Session Agenda and July 9, 2003 Public Session Minutes**

The Board reviewed the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians's October 8, 2003 Public Session Agenda and July 9, 2003 Public Session Minutes and considered it informational.

**G. The New Jersey State Board of Medical Examiners's October 8, 2003 Public Session Agenda and August
13, 2003 Public Session Disciplinary Matters Pending Conclusion**

The Board reviewed the New Jersey State Board of Medical Examiners's October 8, 2003 Public Session Agenda and August 13, 2003 Public Session Disciplinary Matters Pending Conclusion and considered it informational.

VI. Adjournment

A motion was made by Dr. Schkolnick and seconded by Mr. Compton 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,

Susan H. Gartland
Executive Director

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