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New Jersey State Board of Optometrists
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NEW JERSEY STATE BOARD OF OPTOMETRISTS PUBLIC SESSION MINUTES OCTOBER 16, 2013

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CALL TO ORDER

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 16, 2013. Mitchell Fink, 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 9:45 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

PRESENT

Michael Siegel, O.D
Gigette Collazo Harfst, O.D.
Mitchell Fink, O.D.
John Florio, O.D.
Daniel Desrivieres, O.D.

ALSO PRESENT

Carmen Rodriguez, DAG
Renee P. Clark, Executive Director
Sonia Claudino, Administrative Staff

MEMBER(S) OF THE PUBLIC: **Mr. Echen, law student, Seton Hall University**
Dr. Ed Harmer
Dr. Mark Horwitz

I. PUBLIC COMMENT

Dr. Mark Horwitz discussed with the Board a complaint he submitted in regards to carriers violation of the New Jersey Optometry Act and Regulations which will be discussed under the Executive Session. Dr. Horwitz expressed his concerns to the Board and said that he would provide the Board with an agenda in regards to his complaint.

II. APPROVAL OF MINUTES

A motion was made by Dr. Desrivieres, seconded by Dr. Collazo Harfst to approve the June 19, 2013 as amended. The motion carried by unanimous vote.

III 2014 BOARD MEETINGS

A motion to approve February 19, 2014, April 16, 2014, June 18, 2014, August 20, 2014, October 15, 2014, December 17, 2014 as the 2014 meeting dates was made by Dr. Collazo Harfst seconded by Dr. Siegel. The motion carried by unanimous vote.

IV CORRESPONDENCE

- a. Judy Haenke, Program Manager, Washington State Board of Optometry- For Board review Ms. Haenke submits an inquiry in regards to The Washington State Board of Optometry being asked to endorse a policy that Vision therapy and neuro-visual processing rehabilitation services are within the scope of practice of optometry and can properly be performed and billed by optometric physicians in Washington State utilizing specific CPT codes: 97110, 97112, 97530, 97532, 97533, 96110, 96111 and 96116. Ms. Haenke is asking the Board if New Jersey has endorsed or adopted a similar policy.

After review a motion was made by Dr. Collazo Harfst seconded by Dr. Siegel to send Ms. Haenke a letter stating that Vision therapy and neuro-visual processing rehabilitation is within the scope of practice of New Jersey licensed Optometrist. However, the Board does not approve specific CPT codes. The motion carried by unanimous vote.

- b. Darren Rich, OD submits an inquiry for approval by the Board on the practice of mailing eyeglasses to patients who visit a standard optometric practice for primary care and optical services, i.e. residents of nursing facilities or the homebound.

After review, a motion was made by Dr. Florio seconded by Dr. Desrivieres to send Dr. Rich a letter stating that pursuant to N.J.S.A. 13:38-2.9-2.10 and based on the circumstances stated in his correspondence it is permissible to mail eyeglasses to patients based on fact that he has already fit the pair of glasses provided to patient. The motion carried by unanimous vote.

- c. Inquiry received from Bob Drewes in regards what regulation states that a lens prescription for eye glasses can not be given to a patient after a two year period.

After review a motion was made by Dr. Florio seconded by Dr. Desrivieres to send Mr. Drewes a letter stating that there is no predetermined expiration date on eyeglasses prescriptions. It is at the professional judgement of the optometrist to determine to stipulate an expiration date based on their pertinent finding factors including but not limited to patient's ocular and systematic history, patients age and ocular disease. The motion carried by unanimous vote.

IV CORRESPONDENCE (cont.)

- d. Diane C. Fulton, Assistant Vice President of Insurance from Diopsys for Board review submits correspondence as to whether Visual Evoked Potential (VEP) and Electroretinography (ERG) are within the scope of practice of Optometrists in the State of New Jersey.

After review, a motion was made by Dr. Collazo Harfst seconded by Dr. Desrivieres to send Ms. Fulton a letter stating that Visual Evoked Potential (VEP) and Electroretinography (ERG) are within the scope of practice of an optometrists in this state. The motion carried by unanimous vote.

V REGULATIONS

- a. Senate No. 2875 which requires prescribers and pharmacists to check prescription monitoring program prior to prescribing and dispensing Schedule II drugs.

The Board reviewed for informational purposes.

- b. P.L. 2013 Chapter 49 approved May 6, 2013 Assembly No. 2882 (second reprint) in regards to applicants who served in the Armed Forces of the United States who do not meet all of the training, education and experience requirements for licensure.

The Board reviewed for informational purposes.

VI FYI

Federation of Associations of Regulatory Boards (FARB) 38th Annual FARB Forum, January 24-25, 2014, Austin, Texas.

The Board reviewed for informational services.

VII. ADJOURNMENT

A motion was made by Dr. Florio to proceed to Executive Session, seconded by Dr. Desrivieres, to consider and review advertisements, consumer complaints and other information received pursuant to the Board's investigative authority in order to determine whether violations of law, including Board's regulations, have occurred. The results of these deliberations will be made known when, and if, the Board determines to initiate disciplinary or other enforcement actions. If the Board chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session.

Respectfully submitted
BOARD OF OPTOMETRISTS

Renee P. Clark
Executive Director