

**NEW JERSEY STATE BOARD OF OPTOMETRISTS  
REGULAR SESSION MINUTES  
OCTOBER 20, 2004**

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 20, 2004. 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 9:00 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  
JOHN FLORIO, O.D. Present  
MAYOR JAMES GUIDA Present - Arrived at 9:20 A.M.  
JOSE JIMENEZ JR. Absent  
JOSEPH SCHKOLNICK, O.D. Present  
LEONARD STEINER, O.D. Present

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

I. Public Comment

II. Approval of Regular Session Minutes

A. September 15, 2004

A motion was made by Mr. Compton and seconded by Dr. Collazo to accept the September 15, 2004 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. Board Review of New Jersey Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 7. Continuing Professional Optometric Education

The Board completed their review of Administrative Code Title 13, Chapter 38 New Jersey State Board of Optometrists Subchapter 7. Continuing Professional Optometric Education with Danielle Swenson, Regulatory Analyst, for Sunsetting and made recommendations for additional language and clarification of existing language. The Board will review the recommended changes to the existing regulations at a future meeting.

IV. New Business

A. Letter from Anthony Di Stefano, O.D. from the Pennsylvania College of Optometry RE: Third Year Student Externships

Dr. Di Stefano, Vice President, of the Pennsylvania College of Optometry wrote the Board concerning the Pennsylvania College of Optometry's new curriculum which includes students beginning their clinical training or externship during their third year. This matter was first brought to the Board by the Pennsylvania College of Optometry for consideration in 2002. At that time the Board advised Dr. Thomas L. Lewis, President of the Pennsylvania College of Optometry, and Dr. Di Stefano that the New Jersey State Board of Optometrists' regulation, N.J.A.C. 13:38-2.12, only allows fourth year students (a preceptee) of an accredited optometry school or college to be supervised by a New Jersey licensed optometrist (a preceptor) during clinical training and the

Board voted not to amend N.J.A.C. 13:38-2.12.

Dr. Di Stefano included in his letter additional information concerning its new curriculum as well as a survey conducted by the Pennsylvania College of Optometry of its preceptors who mentored its 3rd year students.

A motion was made by Mr. Compton and seconded by Dr. Collazo to reaffirm the Board's original decision not to amend N.J.A.C. 13:38-2.12, therefore, preceptorships will remain for fourth year students exclusively. The curriculums of colleges of optometry differ and the New Jersey State Board of Optometrists's regulations apply to students from all schools of optometry. A vote was taken and the motion carried by a unanimous vote.

B. Information from the National Board of Examiners in Optometry Web site <http://www.optometry.org> RE: Treatment and Management of Ocular Disease Examination

The Board reviewed information posted on the National Board of Examiners in Optometry Web Site regarding the Treatment and Management of Ocular Disease Examination and considered it informational.

C. Licensure Application from Steven Hess, O.D.

Dr. Hess advised the Board of a traffic violation he had in 1998 and based on information supplied by the applicant as well as a criminal history background check it appeared as though there have been no further violations of this nature since that time. A motion was made by Dr. Collazo and seconded by Mayor Guida to approve Dr. Hess for licensure in New Jersey. A vote was taken and the motion carried by a unanimous vote.

V. Old Business

A. Assembly, No. 1101

(Synopsis - Modifies licensure requirements for optometrists) - Introduced in the 2004 Session

The Board will advise its legislative liaison that it strongly supports A-1101 with the following modifications: deletion of, "All examination papers of applicants shall be deposited in the New Jersey State Library, and remain there for a period of 1 year, at the expiration of which time they shall be destroyed, and they shall be prima facie evidence of all matters therein contained." in 45:12-5 as the Board has not given the examination in over twenty years and replace "secretary-treasurer" with "by the Board" in 45:12-7.

The Board reviewed amendments drafted by D.A.G. Carmen Rodriguez to N.J.S.A. 45:12-4. A motion was made by Dr. Steiner and seconded by Dr. Schkolnick to include with its comment its recommendation that the sponsor of the legislative update the language in 45:12-4 with the proposed changes in order for the language to be consistent with the provisions of the Administrative Procedures Act and the practices of the Board. A vote was taken and the motion carried by a unanimous vote.

VI. For Your Information

A. Permissible Business Structure: Referral Fees and Independent Doctor of Optometry: N.J.A.C. 13:38-1.3 and 2.13 from the September 7, 2004 issue of the New Jersey Register

The Board reviewed Permissible Business Structure: Referral Fees and Independent Doctor of Optometry: N.J.A.C. 13:38-1.3 and 2.13 published in the September 7, 2004 issue of the New Jersey Register and considered it informational.

B. Notice from the Association of Regulatory Boards of Optometry

RE: Re-appointment of Jack E. Terry, O.D., Ph.D. as ARBO's liaison to the N.J. State Board of Optometrists

The Board reviewed the notice from the Association of Regulatory Boards of Optometry regarding the re-appointment of Jack E. Terry, O.D., Ph.D. as ARBO's liaison to the New Jersey State Board of Optometrists and

considered it informational.

#### C. Notification from SECO International, LLC

RE: Website, [www.SECOInternational.com](http://www.SECOInternational.com) for optometric courses including COPE approved courses

The Board reviewed the notification from SECO International, LLC regarding its web site for optometric courses and considered it informational.

#### D. Signed Certification - Yurij Trytjak, O.D.

The Board is in receipt of a signed certification together with a check in the amount of five hundred dollars (\$500.00) from Dr. Trytjak for violation of 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.

#### E. June, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the June, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

#### F. July, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the July, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

#### G. August, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the August, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

#### H. October, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the October, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and considered it informational.

#### I. Signed Assurance of Voluntary Compliance letters

##### 1. Eric Gates, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Eric Gates, O.D. for violation of N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names and 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. Gates. The Board considers this matter to be concluded.

##### 2. Michael Doerr, O.D.

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

##### 3. Robin Gray, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Robin Gray, O.D. for violation of N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken

against Dr. Gray. The Board considers this matter to be concluded.

4. Rebekah Buccafurni, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Rebekah Buccafurni, O.D. for violation of N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Buccafurni. The Board considers this matter to be concluded.

5. Lloyd Pritz, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Lloyd Pritz, O.D. for violation of N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Pritz. The Board considers this matter to be concluded.

VII. Adjournment

A motion was made by Dr. Steiner and seconded by Mr. Compton to adjourn the Regular Session Meeting at 2:35 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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