

New Jersey State Board of Optometrists

Regular Session Minutes November 20, 2002

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, November 20, 2002. 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 9:15 A.M. A roll call was taken and the following attendance was recorded:

GORDON COMPTON	Present
MITCHELL FINK, O.D.	Present
JOSEPH SCHKOLNICK, O.D.	Present
LEONARD STEINER, O.D.	Present
LEONARD STRULOWITZ, O.D.	Present - Arrived at 10:00 A.M.
RALPH WHITE	Present - Arrived at 12:00 P.M.

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. October 16, 2002

A motion was made by Dr. Fink and seconded by Mr. Compton to accept the October 16, 2002 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. 9:30 A.M. Discussion on General advertising practices N.J.A.C. 13:38-1.2(f) and Delegation of duties to ancillary personnel N.J.A.C. 13:38-2.11 with Anthony Miragliotta, Deputy Director, and Danielle Swenson, Regulatory Analyst

The Board discussed additional language to the regulation on Delegation of duties to ancillary personnel N.J.A.C. 13:38-2.11 with Anthony Miragliotta, Deputy Director, and Danielle Swenson, Regulatory Analyst. The Board will have further discussion concerning proposed modification to this regulation at its December 18, 2002 Board meeting.

The Board will review amendments to the draft additional language for N.J.A.C. 13:38-1.2(f) the use of titles obtained from post graduate fellowships at its December 18, 2002 Board meeting.

B. S-1977 (Synopsis - Requires testimony by health care providers to be given by persons licensed in this State and to conform to currently accepted medical standards.) Introduced October 17, 2002

A motion was made by Dr. Schkolnick and seconded by Mr. Compton to advise the legislative liaison that they are not in support of Senate Bill 1977 as the bill limits the ability to seek an expert witness outside of the State of New Jersey. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Steffani D. Deas, O.D.
RE: Continuing Education

Dr. Deas requested continuing education credit from post-graduate courses she's taking towards her Master of Public Health degree. The Board will advise Dr. Deas that she can obtain credit from the post-graduate courses she's taking but she must still obtain the twenty five (25) therapeutic pharmaceutical agent (TPA) credits separately as the post-graduate courses she's taking are considered general credit.

D. Letter from Mitchell Goodman, Senior Vice President and General Counsel of National Vision Inc. RE: Health Insurance Portability and Accountability Act of 1996 ("HIPAA")/Assistance Licensees

Mitchell Goodman, Senior Vice President and General Counsel of National Vision Inc. inquired whether the Board anticipated assisting its licensees in understanding and complying with the Final Privacy Rule under (HIPAA) Health Insurance Portability and Accountability Act of 1996 which will become effective on April 14, 2003.

The Board will advise Mr. Goodman that the Board is not going to provide assistance with the new regulations under HIPAA, but the New Jersey Society of Optometric Physicians will be assisting New Jersey optometrists with compliance by presenting a course on this issue.

IV. For Your Information

A. Consent Order filed November 8, 2002 in the matter of Paul DiFiore, O.D.

The Board is in receipt of a Consent Order filed November 8, 2002 from Dr. DiFiore and a check in the amount of two thousand five hundred and ninety eight dollars and twenty one cents (\$2,598.21) for violation of N.J.S.A. 45:12-9 and N.J.A.C. 13:38-2.2(a) 4 and 8. The Board now considers this matter to be concluded.

B. Letter from the Kansas Board of Examiners in Optometry
RE: Update on the status of their litigation with 1-800-Contacts

The Board reviewed the letter from the Kansas Board of Examiners in Optometry regarding the status of their litigation with 1-800-Contacts and considered it informational.

V. Adjournment

A motion was made by Dr. Fink and seconded by Mr. Compton to adjourn the Regular Session Meeting at 3:35 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director