

**NEW JERSEY STATE BOARD OF OPTOMETRISTS
REGULAR SESSION MINUTES
DECEMBER 15 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, December 15, 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 9:05 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 - Left at 11:30 A.M.
JOSE JIMENEZ JR. Absent
JOSEPH SCHKOLNICK, O.D. Present - Arrived at 9:50 A.M.
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. October 20, 2004

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

III. Review of Proposed Regulations for Sunsetting with Danielle Swenson, Regulatory Analyst

After the Board reviewed the draft of the proposed regulations for sunsetting, a motion was made by Dr. Steiner and seconded by Dr. Collazo to adopt the draft of the proposed regulations with modifications. A vote was taken and the motion carried by a unanimous vote.

IV. 10:30 A.M. Discussion with Darlene Kane, Budget Analyst

Darlene Kane, Budget Analyst met with the Board concerning a fee credit for the Board of Optometrist's 2005-2007 biennial renewal. Ms. Kane advised the Board that the following reduced fees will apply to the 2005-2007 biennial renewal exclusively: \$250.00 active license will be reduced to \$170.00; \$250.00 branch registration will be reduced to \$170.00; \$210.00 therapeutic pharmaceutical agent certification will be reduced to \$140.00; and \$25.00 branch therapeutic pharmaceutical agent certification will be reduced to \$20.00.

The reduced fees will not apply to inactive-paid licensees and new licensees. Inactive-paid renewal fee will remain \$100.00 for the 2005-2007 biennial renewal. The 2005-2007 renewal fees for new licensees will remain \$250.00 for an active license; \$250.00 for a branch registration; \$210.00 for a therapeutic pharmaceutical agent certification; and \$25.00 for a branch therapeutic pharmaceutical agent certification.

V. New Business

A. Senate, No. 1930 (Synopsis - Revises procedures for suspension or revocation of licenses for overdue child

support) Introduced October 14, 2004

A motion was made by Dr. Steiner and seconded by Mr. Compton to advise its legislative liaison that the Board supports S-1930. A vote was taken and the motion carried by a unanimous vote.

B. Assembly, No. 3496 (Synopsis - "Health and Dental Claims Authorization, Processing and Payment Act")
Introduced November 8, 2004

A motion was made by Dr. Collazo and seconded by Dr. Florio to advise its legislative liaison that the Board supports A-3492. A vote was taken and the motion carried by a unanimous vote.

C. Assembly, No. 3546 (Synopsis - Requires written prescriptions to be legibly printed or typed) Introduced
December 2, 2004

A motion was made by Dr. Collazo and seconded by Mayor Guida to advise its legislative liaison that the Board supports A-3546 with the following recommendations: The bill states in section 2a, "For the purpose of this subsection, the director shall require that each written prescription: (2) contain the name and strength of the drug prescribed, the quantity prescribed in both textual and numerical formats, and directions for its use; (3) be dated with the month written out in textual letters; and (4) be signed by the health care practitioner on the day that the written prescription is issued". The Board recommends changing the "and" to "or" in number three or delete number (3) as there is not enough space on the prescription pads to write out the date in textual letters. The Board recommends including the New Jersey Society of Optometric Physicians in section 4. A vote was taken and the motion carried by a unanimous vote.

D. Letter from Theresa Fleming, O.D. RE: Clarification of optometrist's responsibility concerning actions of its employees

The Board reviewed a letter from Dr. Fleming requesting clarification of optometrist's responsibility concerning actions of its employees. The employees Dr. Fleming referred to in her letter were not licensed optometrists and performed functions that were not related to the practice of optometry. A motion was made by Dr. Collazo and seconded by Mr. Compton to advise Dr. Fleming that she can seek private legal counsel regarding her concerns in this matter as they do not relate to the practice of optometry. A vote was taken and the motion carried by a unanimous vote.

E. Anonymous letter
RE: Continuing Education

This matter was moved into Executive Session.

F. List of officers/directors and shareholders of Advanced Eye Professionals, LLC submitted by Sergio H. Peneiras, O.D.

The Board reviewed the list of shareholders, directors, and officers of Advanced Eye Professionals, LLC and considered it informational.

G. Discussion with Carmen Rodriguez, D.A.G.
RE: Therapeutic Pharmaceutical Agent Certification

This matter was held and will be discussed at a future meeting.

V. For Your Information

A. November, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider

The Board reviewed the November, 2004 issue of the Ophthalmology Compliance & Reimbursement Insider and

considered it informational.

B. Burrelles Clipping Service
RE: Expired Contract

The Board reviewed notification that Burrelles Clipping Service's contract with the Division of Consumer Affairs had expired. The Board will advise the administration department that they would like to continue with the Burrelles Clipping Service.

C. Article, "Okla. optometrists gain right to use scalpel"

The Board reviewed an article, "Okla. optometrists gain right to use scalpel" and considered it informational.

D. Letter from Janet Carter, O.D., President of the Association of Regulatory Boards of Optometry regarding ARBO's Optometric Education Tracker

The Board reviewed a letter from Janet Carter, O.D., President of the Association of Regulatory Boards of Optometry regarding ARBO's Optometric Education Tracker and considered it informational.

E. Report of Actions of the Accreditation Council on Optometric Education at the ACOE Fall Meeting

The Board reviewed a report of Actions of the Accreditation Council on Optometric Education at the ACOE Fall Meeting and considered it informational.

F. Article, "Legislative Strategies for Medical Boards" from the Journal of Medical Licensure and Discipline Volume 90 Number 1

The Board reviewed an article, "Legislative Strategies for Medical Boards" from the Journal of Medical Licensure and Discipline Volume 90 Number 1 and considered it informational.

G. American Optometric Association October 21, 2004 Bulletin

The Board reviewed the American Optometric Association's October 21, 2004 Bulletin and considered it informational.

H. Signed Assurance of Voluntary Compliance letters

1. Jason Munitz, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Jason Munitz, 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. Munitz . The Board considers this matter to be concluded.

2. Raymond Mancuso, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Raymond Mancuso, 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. Mancuso. The Board considers this matter to be concluded.

I. Signed Certification - Christine Clancey, O.D.

The Board is in receipt of a signed certification from Dr. Clancey together with a check in the amount of two hundred and fifty dollars (\$250.00) for violation of N.J.A.C. 13:38-1.2(l) General advertising practices. The Board considers this matter to be concluded.

J. Signed Settlement letter - Richard Frankel, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Frankel together with a money order in the amount of one thousand dollars (\$1,000.00) for violation of N.J.S.A. 45:12-9 Registration renewal fee; nonactive renewal certificate; obtaining active certificate of registration after 5 years; branch office registration certificates; revocation. The Board considers this matter to be concluded.

K. Signed Settlement letter - Howard Sherman, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Sherman for violation of N.J.S.A. 45:1-21(e) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions and N.J.A.C. 13:38-2.1 Minimum examination; record of conditions.

L. Signed Certification - Saras Rustagi, O.D.

The Board is in receipt of a signed certification from Dr. Rustagi together with a two hundred dollar (\$250.00) civil penalty for violation of N.J.A.C. 13:38-1.2(1) General advertising practices. The Board considers this matter to be concluded.

M. Medical Malpractice Liability Insurance Premium Assistance Fund

The Board reviewed information concerning a law that was recently passed which established the Medical Malpractice Liability Insurance Premium Assistance Fund. The information included setting up a Web site and phone number that contained answers to frequently expected questions concerning the new law.

VI. Adjournment

A motion was made by Dr. Schkolnick and seconded by Dr. Collazo 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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