



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Optometrists  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



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Acting Director

### **NEW JERSEY STATE BOARD OF OPTOMETRISTS PUBLIC SESSION MINUTES DECEMBER 19, 2012**

**Mailing Address:**  
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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 6<sup>th</sup> floor on Wednesday, December 19, 2012. 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 9:00 A.M. A roll call was taken and the following attendance was recorded and a quorum was present.

**PRESENT**

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

**ALSO PRESENT**

Carmen Rodriguez, DAG  
Renee P. Clark, Executive Director  
Tanya Gollett, Staff

**MEMBERS OF THE PUBLIC** Howard R. Cooper, Executive Director of New Jersey Society of Optometric Physicians

**SUNSHINE LAW** In compliance with Chapter 231 the Public Law of 1975, notice of this was sent to the Courier-Post and the Record.

## **I. PUBLIC COMMENT**

Dr. Howard R. Cooper, Executive Director of NJSOP, informed the board of a Mobile Unit of the Optical Academy, a non-profit organization, which is allegedly doing eye examinations. Dr. Cooper expressed the concern that several complaints had been made to the association against the Mobile Unit regarding opticians doing eye examinations and the use of VSP benefits.

Motion made to discussed the matter in Executive Session, made by Dr. Collazo-Harfst and seconded by Dr. Siegel, motion carried by unanimous vote.

## **II. APPROVAL OF MINUTES**

September 19, 2012 minutes approved with amendments. Motion made by Dr. Collazo-Harfst and seconded by Dr. Desrivieres. Motion carried by unanimous vote.

## **III. NEW BUSINESS**

### **a. ASSEMBLY BILL NO. 3465**

Optometry Board reviewed bill which limits actions against court-appointed psychologists, psychiatrists, social workers, or other licensed mental health professionals in certain Family Court matters. The Optometry Board considers this bill informational and took no position.

### **b. ADOPTION OF REGULATION N.J.A.C.13:38-2.4**

Regulation regarding requirements for issuing prescriptions and dispensing medications was reviewed, as comment period had ended. No comments were received. A motion was made by Dr. Harfst and seconded by Dr. Florio to adopt the regulation. Motion carried by unanimous vote. The regulation was signed by Dr. Fink and will be sent to Betsy Greenblatt, Regulatory Analyst.

## **IV. APPLICATION REVIEW**

Paul Obasuyi requested that the Board review his foreign optometry school transcripts as part of his application for licensure as an optometrist. Upon review, the Board stated that Mr. Obasuyi must contact an accredited college of optometry and have his credentials reviewed by the school. Motion made by Dr. Desrivieres, and seconded by Dr. Florio to inform Mr. Obasuyi that he must have his transcript reviewed and approved by an accredited school of optometry. Motion carried by unanimous vote.

## **V. CORRESPONDENCE**

### **a. Robert Cusumano**

Mr. Cusumano submitted correspondence asking if there was a state law requiring children to have Polycarbonate lenses in their glasses. The board concluded that it is the standard of care to provide a child with Polycarbonate lenses. However, based on a patient's visual condition, polycarbonate lenses are also commonly prescribed for monocular patients who are over 18 years of age. Motion made by Dr. Desrivieres and seconded by Dr. Florio to inform Mr. Cusumano that it is within the optometrist's professional judgment to prescribe polycarbonate lenses to children. Motion carried by unanimous vote.

### **b. James Bae**

Mr. Bae sent a letter asking if an electronic template would be an acceptable substitution to the New Jersey Prescription Blank. The Board referred Mr Bae to N.J.S.A. 45:14-55 which authorizes the issuance of New Jersey prescriptions blanks. Mr. Bae shall be advised that he cannot use any prescription blank other than those advised by the state. Motion made to inform Mr. Bae to review and adhere to the New Jersey Prescription blank statute by Dr. Harfst and seconded by Dr. Florio. Motion carried by unanimous vote.

### **c. Serenity Lancaster**

Miss Lancaster sent a letter from her junior high school class regarding an innovative theory in eye care. Dr. Desrivieres will draft a response to the class by the board's February meeting.

## V. CORRESPONDENCE (cont.)

### d. William Beal Inquiry

Mr. Beal sent correspondence regarding a prescription he took to Sam's Club. Mr. Beal inquired as to whether the prescription had to be dispensed as written. Upon discussion, the board noted that, typically, a licensed dispenser can fabricate a lens for distance or for reading from a bifocal prescription. If Mr Beal needs more specific information, he should forward a copy of his prescription to the board for further review. Motion made to advise Mr Beal that a licensed dispenser should be able to fabricate either distance or reading glasses from a bifocal prescription. Mr. Beal's prescription was for bifocals, but he only wanted the prescription for distance filled. Motion made by Dr. Collazo-Harfst and seconded by Dr. Desrivieres. Motion carried by unanimous vote.

Upon a motion made by Dr. Harfst and seconded by Dr. Siegel, the Board voted to go into Executive Session to discuss the following matters involving investigations or violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Two matters filed with the Board which require review and additional recommendations with regard to investigation and/or actions.
2. Four complaints for Board review.
3. Five other matters submitted for Board review.

## VI. ADJOURNMENT

A motion was made by Dr. Harfst and seconded by Dr. Siegel to adjourn the Regular Session Meeting at 12.55 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,  
**BOARD OF OPTOMETRY**

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**Renee P. Clark, Executive Director**