

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS  
PUBLIC SESSION MINUTES  
SEPTEMBER 26, 2006**

The meeting of the New Jersey State Orthotics and Prosthetics Board of Examiners was held on September 26, 2006, at the State Office Building at 124 Halsey Street, 6th Floor, Newark, NJ. The meeting was convened in accordance with the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record in Bergen County, The Star Ledger, Camden Courier Post, Trenton Times, Aisling Swift Press of Atlantic City and Asbury Park Press, to advise of the scheduling of this meeting. The meeting was called to order by Louis J. Haberman, C.P.O., (Vice-Chair) at 10:45 A.M.

**OPENING STATEMENT** - Reading of "The Sunshine Law"

**PRESENT** - Board Members: Louis J. Haberman, C.P.O., (Vice-Chair)  
Mildred E. Carlascio, C.O., Robert C. Manfredi, Jr., C.P.O.  
and Heikki Uustal, M.D.

**ABSENT** - Board Members: Dana Baptista, C.P., (Chair) and  
Brooke T. Artesi, L.O.CPED.

**ALSO PRESENT:** Deputy Attorney General, Michelle Weiner (via telephone) and Executive Director, Laura L. Anderson

**MINUTES** - THE BOARD, UPON MOTION MADE BY DR. HEIKKI UUSTAL AND SECONDED BY MILDRED E. CARLASCIO, VOTED TO ACCEPT THE JUNE 27, 2006 PUBLIC SESSION MINUTES AS PRESENTED.

The vote was unanimous

## **I. RULES AND REGULATIONS**

1. Orthotics and prosthetics Board of Examiners  
Continuing Education  
Adopted New Rule: N. J. A.C. 13:44H-6.3

With regards to the Continuing Education requirements, the Board discussed among themselves and with Counsel the process to be implemented commencing with the 2007 renewal. The Board voted to allow the new Continuing Education requirements to be met by 2009. This information is to be printed in the application for licensing renewal for period 2007-2009.

2. State Board of Physical Therapy Examiners - Readoption N.J.A.C. 13:39A The Board reviewed publication of a proposed readoption with amendments: N.J.A.C. 13:39A for the State Board of Physical Therapy Examiners, which appeared in the July 17, 2006 issue of the NJ Register.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL

3. State Board of Medical Examiners - Proposal N.J.A.C. 13:35-10.8 Athletic Trainers Sexual Misconduct

The Board reviewed publication of a proposed new rule: N.J.A.C. 13:35-10.8 for the State Board of Medical Examiners, which appeared in the July 17, 2006 issue of the NJ Register.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL

4. State Board of Chiropractic Examiners - Adoption N.J.A.C. 13:44E

The Board reviewed publication of a proposed readoption with amendments: N.J.A.C. 13:44E for the State Board of Chiropractic Examiners, which appeared in the August 21, 2006 issue of the NJ Register.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL

5. State Board of Optometrists - Requirements for issuing Prescriptions and Dispensing of Medications; Requirements for Applications for Licensure: Therapeutic Pharmaceutical Agents (TPA) Certification; Fee Schedule; Continuing Education. Proposed Amendments: N.J.A.C. 13:38-2.4,3.5,4.1 through 4.4,5.1,7.3 and 7.4; Proposed Repeal and New Rule: N.J.A.C. 13:38-4.5 The Board reviewed these publication of a proposed amendment, repeal and New Rule for the Board of Optometrist, published in the Monday July 3, 2006 issue of the NJ Register.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL

## **II CORRESPONDENCE**

1. Artificial Eyes

The Board reviewed a letter/request for clarification on artificial eyes received from Freund Brothers-Ophthalmic Dispensing.

THE BOARD, UPON MOTION MADE BY DR. HEIKKI UUSTAL AND SECONDED BY ROBERT MANFREDI, JR., VOTED TO SEND A REPLY TO FREUND BROTHERS-OPHTHALMIC DISPENSING STATING THAT ARTIFICIAL EYES ARE NOT A PROSTHETIC APPLIANCE REQUIRING LICENSURE UNDER THE STATE REGULATIONS GOVERNING ORTHOTICS & PROSTHETICS. A SET OF RULES AND REGULATIONS TO BE INCLUDED WITH THE LETTER.

## **III OLD BUSINESS**

1. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Opinion No. 06-02 RE: Durable Medical Equipment Suppliers/New Jersey Physicians.

At its June 27, 2006 meeting, the Board reviewed a letter Opinion No. 06-02 regarding two proposed programs to manage the delivery of durable medical equipment and orthotics to be offered to physicians. This opinion was received attached to an anonymous letter requesting the action of the Medical and Orthotics and Prosthetics Boards. Upon discussion, the board directed to board members to produce an opinion and submit same to the office to assist Deputy Attorney General Michelle Weiner and Executive Director Anderson to draft a letter to be presented to the Medical Board.

The Board reviewed two letters presented by Dr. Uustal and Mildred Carlascio and Louis Haberman read a letter he had written. The Board discussed the issue at length and determined that Dr. Uustal's letter represents the Board's opinion and will be submitted to the Medical Board along with a list of physicians that presently have a relationship with out-of-state providers.

THE BOARD, UPON MOTION MADE BY DR. HEIKKI UUSTAL AND SECONDED BY MILDRED E. CARLASCIO, VOTED TO SEND DR. UUSTAL'S LETTER ALONG WITH A LIST OF MEDICAL PRACTITIONERS THAT CURRENTLY HAVE A RELATIONSHIP WITH AN OUT-OF-STATE EQUIPMENT PROVIDERS AND TO THE EXECUTIVE DIRECTOR OF THE BOARD OF MEDICAL EXAMINERS.

## 2. Richard Bettini

Deputy Attorney General, Swang Oo made a detailed presentation to the Board with regards to Mr. Bettini's case.

At its March 2, 2005 meeting, the Board reviewed and denied the request for reconsideration of an application submitted initially in February 2005 as an orthotist under the grandfather provision by Mr. Bettini, since the grandfather provision had been expired since May 2003.

On August 4, 2006 Mr. Bettini filed a motion of appeal to the Board's decision before the Superior Court of New Jersey. On September 12, 2006 Mr. Bettini's appeal was denied and dismissed by the Superior Court of New Jersey.

Ms. Swang also presented the Board with a copy of the recent Motion for Reconsideration filed by Mr. Bettini on September 20, 2006 to the Superior Court, Appellate Division.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL

### **IV APPLICATIONS REVIEW**

THE BOARD, UPON THE MOTION MADE BY DR. HEIKKI UUSTAL AND SECONDED BY MILDRED E. CARLASCIO, VOTED TO APPROVE LICENSURE TO THE FOLLOWING APPLICANTS:

Orthotists

James A. Bauman

At 11:30 a.m., the Board, upon a motion made by Dr. Heikki Uustal and seconded by Mildred E. Carlascio, voted to move into Executive Session to consider and review consumer complaints, investigative reports and other information received pursuant to the Board's regulations. The results of these deliberations will be made known when and if the Board determines to initiate disciplinary or other enforcement action. If the Board determines to issue any sanction, that disciplinary action will be taken in a public session immediately after the session.

The meeting was adjourned at 1:25 P.M.

Respectfully submitted,

Laura L. Anderson  
Executive Director