

**NEW JERSEY STATE BOARD OF OPTOMETRISTS
REGULAR SESSION MINUTES
NOVEMBER 19, 2003**

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 19, 2003. 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 9:05 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. Absent
JOSEPH SCHKOLNICK, O.D. Present
LEONARD STEINER, O.D. Present
LEONARD STRULOWITZ, O.D. Present
RALPH WHITE 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 15, 2003

A motion was made by Dr. Collazo and seconded by Mr. Compton to accept the October 15, 2003 Regular Session Minutes as presented. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Harvey Richman, O.D. and Maria Santullo Richman, O.D.

RE: CPT Codes

Drs. Richman advised the Board that Health Net of NJ does not accept the 92004 and 92014 codes for comprehensive eye exams and have begun to "down-code" claims for routine vision care services from a comprehensive level to an intermediate level of service. A motion was made by Dr. Strulowitz and seconded by Dr. Collazo to advise Drs. Richman that the Board does not have jurisdiction over insurance companies. The Board will send Health Net of NJ the New Jersey State Board of Optometrists' statutes and regulations book and its CPT Code list for their review.

B. Letter from Charles Fitzpatrick, O.D.

RE: CPT Codes

Dr. Fitzpatrick advised the Board that Aetna Health, Inc. will not accept certain CPT Codes submitted by optometrists. A motion was made by Dr. Strulowitz and seconded by Dr. Collazo to advise Dr. Fitzpatrick that the Board does not have jurisdiction over insurance companies. The Board will send Aetna Health, Inc. the New Jersey State Board of Optometrists's statutes and regulations book and its CPT Code list for their review.

**C. Letter from Bryan Markowitz, Executive Director of the New Jersey Society of Optometric Physicians
RE: Continuing Education Courses**

The New Jersey Society of Optometric Physicians asked the Board to consider approving courses that would be valid for a two or three calendar year period. The Board will notify course sponsors and advise them that the Board will implement an expiration date on all future Board approved courses. The expiration date that will be given to Board approved courses will be the last day of the biennium in which the course was approved, such as April 30, 2005. The course sponsors must keep the same title, Board approval number, and course lecturer. The course sponsor must notify the Board office of the date and location the course will be held again within 30 days of the course and provide the Board office with the attendance sheets. If the sponsor wishes to change the title or lecturer of the course, they will be required to reapply for Board approval.

D. Notification from the American Optometric Association RE: Optometry Board Review of Leases for Space

The Board reviewed the notification from the American Optometric Association regarding optometry board review of leases for space and considered it informational.

E. Letter from Arthur Muccilli, O.D. RE: 100 Hour Ocular Therapy Course

Dr. Muccilli advised the Board that he successfully completed the 100 hour course in ocular therapy given by the Pennsylvania College of Optometry in 1993 and was interested in taking the National Board of Examiners in Optometry's TMOD (treatment and management of ocular disease) exam in order to apply for TPA (therapeutic pharmaceutical agents) certification. Dr. Muccilli inquired whether the Board would accept his application for TPA certification if he passes the TMOD examination although he took and passed the 100 hour course 10 years ago. The Board will advise Dr. Muccilli that as long as he passed the 100 hour course after 1992 they will accept his application after he passes the TMOD examination.

IV. Old Business

A. Letter from Joyes Abraham, O.D. RE: Criteria and Definition of legal blindness in New Jersey Pending from the July 16, 2003 meeting

Dr. Abraham asked the Board for the criteria and definition of legal blindness for New Jersey. Carmen Rodriguez, D.A.G. will research this information and advise the Board at a future meeting.

B. Henry E. Parker, O.D. RE: Explanation of answer on renewal Pending from the May 21, 2003 meeting

This matter was tabled until the Board receives notification of the outcome of Dr. Parker's traffic violation.

C. Response from Edward Friedman, O.D. RE: \$200.00 Reinstatement fee

Dr. Friedman was advised by the Board that they would waive the \$200.00 late fee/reinstatement fee if he provides them with a copy of his telephone bill that shows that he called the Board office prior to the April 30, 2003 deadline. Dr. Friedman informed the Board that he cannot provide them with a copy of his telephone bill. Dr. Friedman advised the Board that if they were unwilling to waive the \$200.00 late fee/reinstatement fee that he would like the \$100.00 he paid for inactive status refunded to him. The Board will return Dr. Friedman's \$100.00 and place him on expired status.

V. For Your Information

A. Signed Assurance of Voluntary Compliance letters

1. Mark Muscarella, O.D.

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

2. Gerald S. Feldman, O.D.

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

3. Arthur Starr, O.D.

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

4. Steven Bachinsky, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Steven Bachinsky, O.D. for violation of N.J.A.C. 13:38-1.2(l) General advertising practices and N.J.A.C. 13:38-1.4 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. Bachinsky. The Board considers this matter to be concluded.

5. Lawrence Mroz, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Lawrence Mroz, O.D. for violation of N.J.A.C. 13:38-1.2(l) General advertising practices and N.J.A.C. 13:38-1.4 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. Mroz. The Board considers this matter to be concluded.

B. Signed Certification - Bertram Isenberg, O.D.

The Board is in receipt of a signed certification together with a check in the amount of two hundred and fifty (\$250.00) for violation of N.J.S.A. 45:12-9.3 Credits necessary. The Board considers this matter to be concluded.

C. Article, "Doctor profiles to be placed on the Internet" from the August 7, 2003 issue of the West Orange Chronicle

The Board reviewed an article, "Doctor profiles to be placed on the Internet" and considered it informational.

D. Article, "Pediatric Eye Exams: Needed or Not?" from the First Vision Media Group in conjunction with the Vision Council of America

The Board reviewed an article, "Pediatric Eye Exams: Needed or Not?" and considered it informational.

E. Notification from the American Optometric Association RE: Report of the actions taken by the Accreditation Council on Optometric Education at its Fall Meeting

The Board reviewed a notification from the American Optometric Association regarding the report of actions taken by the Accreditation Council on Optometric Education at its fall meeting and considered it informational.

F. Memorandum from the American Optometric Association RE: Change of length of accreditation and annual reporting process for professional optometric degree programs

The Board reviewed a memorandum from the American Optometric Association regarding the change of length of accreditation and annual reporting process for professional optometric degree programs and considered it informational.

G. Letter from Jack E. Terry, O.D., PH.D., Director of the Association of Regulatory Boards of Optometry RE: ARBO liaison to state optometry board

The Board reviewed a letter from Jack E. Terry, O.D., PH.D., Director of the Association of Regulatory Boards of Optometry regarding ARBO liaison to the state optometry board and considered it informational.

H. Commission for the Blind and Visually Impaired Educational Services Program Readoption with Amendments: N.J.A.C. 10:92 from the November 3, 2003 issue of the New Jersey Register

The Board reviewed the Commission for the Blind and Visually Impaired Education Services Program Readoption with Amendments: N.J.A.C. 10:92 and considered it informational.

I. Signed Admonishment letter

1. Cletta Rochester, O.D.

The Board is in receipt of a signed Admonishment letter from Cletta Rochester, O.D. for violation of N.J.S.A. 45:12-9.3 Credits necessary. An Admonishment letter is a letter of warning with no disciplinary action taken against Dr. Rochester. The Board considers this matter to be concluded.

VI. Adjournment

A motion was made by Mr. White and seconded by Dr. Collazo to adjourn the Regular Session Meeting at 3:15 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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