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STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

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PUBLIC SESSION MINUTES APRIL 9, 2014

The April meeting of the Board was convened in accordance with its notice to the Secretary of State, Lt. Governor, the Bergen Record, the Record of Hackensack, the Trenton Times, the Courier Post, the Star Ledger and was posted at the Division's website. The meeting was conducted in accordance with the provisions of the Open Public Meetings Act.

President Michael Higgins convened the meeting at 9:00 a.m. A roll call was taken and the following attendance was recorded for these minutes:

PRESENT: Peter Goetz, Michael Higgins, Gary Iavarone, Jay McMullin, and Norman Schleiffer

EXCUSED OR ABSENT:

PUBLIC ATTENDEES: Daniel Pevzner, NY licensee and Michael Della Pesca, Quantum Optical

Also in attendance: Dorcas K. O'Neal, Executive Director, Nancy Miller, Deputy Attorney General, and Monica Carrington, staff.

I. APPROVAL OF PUBLIC MINUTES FOR JANUARY 8, 2014

The Board reviewed the Public Session Minutes for January 8, 2014. **On a motion by Peter Goetz, seconded by Jay McMullin the minutes were unanimously approved as submitted.**

II. APPRENTICE MATTERS

None

III. STATUTES AND LEGISLATION

- a. The Board reviewed **N.J.A.C. 13:33-2.2A - Proposed new rule on military education.** N.J.A.C. 13:33-2.2A (b) *An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586* and (c) *For the purpose of determining substantial equivalence of the applicant's military education or training, the Board shall consider only those education or training courses relevant to the practice of opticianry that have been evaluated by the American Council of Education for substantial equivalence to civilian opticianry education.* **On a motion by Peter Goetz seconded by Norman Schleiffer, the Board unanimously approved the additional language.**
- b. The Board reviewed **Senate Bill No. 681** - Provides for issuance of certificate of rehabilitation to certain offenders with substance abuse disorders. **It was the consensus of the Board to support this bill.**
- c. The Board reviewed **Senate Bill No. 682** - Establishes process to bar certain health care providers from receiving reimbursement under PIP. **It was the consensus of the Board to take no position.**
- d. The Board reviewed **Assembly, No.1545** - Revises law concerning certain professional and occupational licenses. The revisions will be effective July 1, 2014.

IV. NEW BUSINESS

- a. The Board reviewed a letter from **Caren Stern** to get clarification as to what constitutes a legal prescription in New Jersey. As optometrists and ophthalmologist are using a number of computer generated copies of prescriptions brought to the office by patients who were assured by their doctors that this is a prescription. **On a motion by Jay McMullin, seconded by Peter Goetz, the Board unanimously determined that at this time an electronic prescription on letterhead is not acceptable.**
- b. **Narda Pelham of Arnold & Porter, LLP** submitted a letter inquiring as to whether a non-resident manufacturer of contact lens can ship contact lenses directly to patients in New Jersey and whether there are any licensing or other requirements. Secondly, she inquired as to whether an entity, licensed in its home state as a pharmacy can ship contact lenses directly to patients and whether there are licensing or other requirements. **Reagendized.**

- c. **James Morris, Esq. Executive Director and General Counsel of the American Board of Opticianry and National Contact Lens Examiners** requests to meet with the Board regarding extensive improvements and modifications to the national examination process. **On a motion by Norman Schleiffer, seconded by Jay McMullin, the Board said it welcomes Mr. Morris for a presentation in the future, at his convenience.**

PUBLIC COMMENTS:

Daniel Pevzner, NY state licensee, attended the public session meeting to request that the Board waive the educational requirements required by law. Mr. Pevzner stated that he was licensed in NY through the 2,000 hour apprenticeship. He did not receive any formal education. He has recently moved to NJ and wants to apply for a NJ license without having the education required by N.J.A.C. 13:33-2.2 (Out-of-state Ophthalmic Dispenser application).

Michael Della Pesca, Quantum Optical attended the public session meeting to discuss possibly having an online credit for the New Jersey licensee continuing education. Mr. Della Pesca conducted a survey and over 400 licensees of New Jersey are in favor of having some online education. He stated that it could be a convenient way for someone who has medical issues to still accumulate 1 or 2 credits. He would like for the Board to review the information he submitted at a later date.

There being is no other business to come before the Board in Public Session, on a motion by Norman Schleiffer seconded by Jay McMullin, the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to review four matters of old business, to review six matters under investigation, to review one matter of new business and to review one criminal background history.

The Board reconvened in Public Session. The next scheduled meeting is May 14, 2014. There being no other business to come before the Board, on a motion by Jay McMullin and seconded by Peter Goetz, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

