

# New Jersey State Board of Optometrists

## Regular Session Minutes

February 20, 2002

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, February 20, 2002. **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:

<b>GORDON COMPTON</b>	<b>Present</b>
<b>MITCHELL FINK, O.D.</b>	<b>Present</b>
<b>BARRY SCHNEIDER, O.D.</b>	<b>Present</b>
<b>JOSEPH SCHKOLNICK, O.D.</b>	<b>Present</b>
<b>LEONARD STEINER, O.D.</b>	<b>Present</b>
<b>LEONARD STRULOWITZ, O.D.</b>	<b>Absent</b>
<b>RALPH WHITE</b>	<b>Present</b>

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. January 16, 2002

A motion was made by Dr. Schneider and seconded by Mr. Compton to accept the January 16, 2002 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

### III. New Business

A. Letter from Andrea Sutton, O.D.  
RE: Continuing Education

Dr. Sutton is interested in activating her inactive New Jersey optometric license but is 13 continuing education credits short in order to activate. A motion was made by Dr. Schneider and seconded by Mr. Compton to advise Dr. Sutton that the Board will allow her 60 days to make up the remaining 13 continuing education credits she is short in order to activate her New Jersey optometric license. Dr. Sutton will also be advised that the credits she obtained to activate her New Jersey optometric license are not to be used as

credit towards the renewal of her license for 2001-2003 renewal period. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Glen Blustein, O.D.  
RE: Contact Lens Dispensing

Dr. Blustein inquired whether a contact lens supply company can have an optometrist oversee their operations to ensure orders are filled correctly and checked by a licensed contact lens dispenser. Dr. Blustein advised the Board that he understood that the law does not allow an optometrist to be employed by anyone other than another optometrist or an ophthalmologist, but asked if there was any other means of implementing a fee for service or other structure to allow such a company to have professional oversight in their contact lens dispensing.

The Board will request more detailed information from Dr. Blustein regarding the duties entailed in the overseeing of the operations within the supply company and its contact lens dispensing. The Board will also ask if the contact lenses are being dispensed to New Jersey residents or to a New Jersey licensed contact lens dispenser.

C. S-1033 Introduced February 28, 2000

Synopsis - Allows physicians to jointly negotiate with health benefits plans over contractual terms and conditions.

A motion was made by Dr. Schneider and seconded by Mr. Compton to advise the legislative liaison that they support Senate Bill 1033. A vote was taken and the motion carried by a unanimous vote.

S-1033 Introduced February 21, 2002

Synopsis - Permits the incorporation of ophthalmic dispensers and technicians

The Board strongly opposes this bill because it is in direct conflict with a statute and regulation of the New Jersey State Board of Optometrists. The Board is concerned that this bill will give the ophthalmic dispensers the ability to become owners and shareholders in a "permissible business structure" which could give them the ability to employ an optometrist. The Board has a statute, **N.J.S.A.** 45:12-9.12, which prohibits an optometrist from being employed or have any direct or indirect control, influence, interfere with or supervision of his or her professional judgment in the practice of optometry besides another optometrist or physician. The Board has just promulgated and adopted a regulation, "Independent doctor of optometry" which states, "Take no instruction from a landlord or ophthalmic dispenser with regard to any aspect of optometric practice" and "Not have any ownership interest, directly or indirectly, in the business entity from which the space is rented". An optometrist in the State of New Jersey must remain independent in his or her practice in order to comply with this statute and regulation.

D. Memorandum from the National Board of Examiners in Optometry  
RE: List of Potential Examiners, August, 2002 Clinical Skills Examination

The National Board of Examiners in Optometry supplied the Board with a list of potential examiners for the August 2001 Clinical Skills Examination and asked that it identify any optometrist licensed in the State of New Jersey who the Board would object to as an examiner. After the Board reviewed a list of potential examiners for the August 2002 Clinical Skills Examination, a motion was made by Dr. Schneider and seconded by Dr. Schkolnick to approve all the optometrists on the list whose licenses are active in the State of New Jersey. The Board reserves any judgment on the optometrists who have a license in New Jersey on inactive status and practicing in another State. A vote was taken and the motion carried by a unanimous vote.

### III. Old Business

#### A. Board discussion on Externships in New Jersey

The Board discussed amending **N.J.A.C.** 13:38-2.12 to include third year students. Currently **N.J.A.C.** 13:38-2.12 allows only fourth year students (a preceptee) of an accredited optometry school or college to be supervised by a New Jersey licensed optometrist (a preceptor) during clinical training. The Board will ask Dr. Lewis of the Pennsylvania College of Optometry to advise the Board on the changes in curriculum for third year students.

#### B. Appearance by Acting Director, Sharon M. Joyce

Sharon M. Joyce, Acting Director appeared before the Board to introduce herself. The Board asked Sharon M. Joyce if she could assist the Board with getting the adoption of its Continuing Education Reproposed New Rules: **N.J.A.C.** 13:38-7 released for publication in the New Jersey Register as soon as possible. She agreed to check into the matter and advise the Board.

### IV. For Your Information

#### A. Notification from the New Jersey Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians RE: Cancellation of its February 1, 2002 meeting

The Board reviewed the notification from the New Jersey Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians regarding the cancellation of its February 1, 2002 meeting and considered it informational.

#### B. Pennsylvania State Board of Optometry Winter 2001 Newsletter

The Board reviewed the Pennsylvania State Board of Optometry Winter 2001 Newsletter and considered it informational.

#### C. Final Decision and Order After UPL Explanation - Glen Blustein, O.D.

The Board is in receipt of a Final Decision and Order After UPL Explanation filed January 16, 2002 together with a check in the amount of five hundred (\$500.00) from Dr. Blustein for violation of **N.J.A.C.** 13:38-1.4(d) and **N.J.A.C.** 13:38-1.2(l) General advertising practices. The Board now considers this matter to be concluded.

#### D. Division of Consumer Affairs

New Jersey State Board of Accountancy  
Credit-hour Requirements; New Jersey Law and Ethics Course;  
Continuing Professional Education Programs and  
Other Sources of Continuing Professional Education Credit;  
Criteria for Continuing Professional Education Sponsors  
Proposed Amendments: **N.J.A.C.** 13:29-6.2, 6.5 and 6.6  
Proposed New Rule: **N.J.A.C.** 13:29-6.3A

The Board reviewed the New Jersey State Board of Accountancy Proposed Amendments: **N.J.A.C.** 13:29-6.2, 6.5, and 6.6 and Proposed New Rule: **N.J.A.C.** 13:29-6.3A and considered it informational.

#### E. Settlement Letter - Paul F. Speesler, O.D.

The Board is in receipt of a signed settlement letter from Dr. Speesler together with a check in the amount of two thousand dollars (\$2,000.00) for violation of **N.J.S.A.** 45:1-21(b). The Board now considers this matter to be concluded.

F. Final Order of Discipline - Perry Toker, O.D.

The Board is in receipt of a Final Order of Discipline filed January 16, 2002 and a check in the amount of one thousand dollars (\$1,000.00) from Dr. Toker for failing to satisfy the continuing education credit requirements of **N.J.S.A.** 45:12-9.3. The Board considers this matter to be concluded.

G. Final Order of Discipline - Jisoo L. Shin, O.D.

The Board is in receipt of a Final Order of Discipline filed January 16, 2002 and a check in the amount of two thousand five hundred dollars (\$2,500.00) from Dr. Shin for failing to satisfy the continuing education credit requirements of **N.J.S.A.** 45:12-9.3. The Board considers this matter to be concluded.

H. Final Order of Discipline - Samuel M. Singer, O.D.

The Board is in receipt of a Final Order of Discipline filed January 16, 2002 from Dr. Singer for failing to satisfy the continuing education credit requirements of **N.J.S.A.** 45:12-9.3. The Board considers this matter to be concluded.

I. Memorandum from the National Board of Examiners in Optometry  
RE: Part I (Basic Science) and Part II (Clinical Science) Reports

The Board reviewed the memorandum from the National Board of Examiners in Optometry regarding Part I (Basic Science) and Part II (Clinical Science) reports and considered it informational.

J. Signed Certification - Tracy Sinoway, O.D.

The Board is in receipt of a signed certification from Dr. Sinoway together with a check in the amount of one thousand dollars (\$1,000.00) as a combined payment from Tracy Sinoway, O.D. and James Sinoway, O.D. to satisfy the five hundred dollar (\$500.00) civil penalty issued to each of them for violation of **N.J.A.C.** 13:38-1.4(d) and **N.J.A.C.** 13:38-1.2(l) General advertising practices. The Board now considers this matter to be concluded.

K. Signed Certification - James Sinoway, O.D.

The Board is in receipt of a signed certification from Dr. Sinoway together with a check in the amount of one thousand dollars (\$1,000.00) as a combined payment from Tracy Sinoway, O.D. and James Sinoway, O.D. to satisfy the five hundred dollars (\$500.00) civil penalty issued to each of them for violation of **N.J.A.C.** 13:38-1.4(d) and **N.J.A.C.** 13:38-1.2(l) General advertising practices. The Board now considers this matter to be concluded.

L. Signed Certification - Margaret Ritterbusch, O.D.

The Board is in receipt of a signed certification from Dr. Ritterbusch together with a money order in the amount of five hundred dollars (\$500.00) for violation of **N.J.A.C.** 13:38-1.2(f)2 General advertising practices. The Board considers this matter to be concluded.

## IV. Adjournment

A motion is made by Dr. Schneider and seconded by Dr. Schkolnick to adjourn the Regular Session Meeting

at 3:35 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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*Posted June 2002*