



**CHRIS CHRISTIE**  
Governor

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Lt. Governor

## *New Jersey Office of the Attorney General*

Division of Consumer Affairs  
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# **OCTOBER 19, 2016 PUBLIC SESSION MINUTES ESSEX CONFERENCE ROOM, 6<sup>TH</sup> FLOOR 9:00a.m.**

## **I OPENING STATEMENT AND ROLL CALL**

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, June 15, 2016. Dr. Fink, 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.**  
**Michael Siegel, O.D.**  
**Sheldon G. Greenspan, O.D.**  
**Scott Rufolo, O.D.**  
**Gigette Collazo Harfst, O.D.**  
**Colette Lamothe-Galette**

### **ALSO PRESENT**

**Carmen Rodriguez, DAG**  
**Renee Clark, Executive Director**  
**Sonia Claudino, Administrative Staff**

### **EXCUSED**

**M. Carolyn Daniels, DHSC**

### **MEMBER(S) OF THE PUBLIC**

**Howard Cooper, Executive Director  
of the NJ Society of Optometric Physicians**  
**Bruce Kasner, O.D., Commission for the Blind**

## II APPROVAL OF MINUTES

A motion was made by Dr. Collazo Harfst, seconded by Dr. Greenspan to approve the June 15, 2016 Public Session Minutes with amendments. The Motion carried by unanimous vote.

## III NEW BUSINESS

- a. The Board reviewed Senate No. 3982 which requires all prescriptions be transmitted electronically, subject to certain exceptions.

The Board expressed their concern since there is no specific definition of prescription or electronic transmission. A motion was made by Dr. Collazo Harfst, seconded by Dr. Siegel to support the concept but requesting clarification as to whether this is only referring to pharmaceuticals. The motion carried by unanimous vote.

- b. The Board reviewed Senate No. 3980 which requires issues related to prescription opioids to be included in continuing education courses for certain health care professionals.

The Board would support the Bill if amended to include Optometrists. Motion was made by Dr. Siegel, seconded by Dr. Collazo Harfst. The motion carried by unanimous vote.

- c. The Board reviewed Senate No. 2387 which requires training of certain staff and health care professionals when interacting with individuals with developmental disabilities.

A motion was made by Dr. Siegel, seconded by Dr. Rufolo to approve the Bill as long as it includes online education not exceeding a minimal cost. The motion carried by unanimous vote.

- d. Lisa Fennell, Executive Director, Association of Regulatory Boards of Optometry submitted an inquiry in regards to the ARBO Annual Meeting.

The Board reviewed this matter for informational purposes.

- e. John Wachter submitted an inquiry as to which services optometrists are able to perform, the expression conjunctival follicles (CPT68040), insertion of punctal plugs (CPT68761) and punctal dilation (CPT68801).

After review, a motion was made by Dr. Collazo Harfst, seconded by Dr. Siegel to send Mr. Wachter a letter advising him that the Board does not approve CPT codes. However, all procedures listed in his correspondence are within the scope of practice of a New Jersey licensed optometrist. The motion carried by unanimous vote.

### III NEW BUSINESS(cont.)

- f. Harvey Richman, OD submitted an inquiry in regards to COPE continuing education.

The Board reviewed Dr. Richman's recommendations to change the word approved to qualified for continuing education courses. After review, a motion was made by Dr. Collazo Harfst, seconded by Dr. Greenspan to send Dr. Richman a letter stating that the Board will take his recommendation into consideration during the sunset of Regulations. The motion carried by unanimous vote.

- g. Stacey Lazar, General Manager, The Cornea and Laser Eye Institute, P.A. submitted correspondence asking the Board's stance on releasing the prescription to a consumer with specialty contact lenses.

After review, a motion was made by Dr. Siegel, seconded by Dr. Greenspan to send Ms. Lazar a letter advising her that the Board enforces current State and Federal Statutory Regulations already in place regarding contact lens prescription. The motion carried by unanimous vote.

### IV HANDOUT(S)

- a. Kinnari Patel submitted an inquiry as to whether or not an optometrist can perform Intense Pulsed Light Therapy.

After review, a motion was made by Dr. Collazo Harfst, seconded by Dr. Rufolo to send Mr. Patel a letter stating that Intense Pulsed Light Therapy is within the scope of practice of a New Jersey licensed Optometrist. The motion carried by unanimous vote.

- b. The Board reviewed Senate No. 4205 which requires continued coverage of prescription drugs for certain medical conditions.

A motion was made by Dr. Collazo Harfst, seconded by Dr. Siegel to support the Bill. The motion carried by unanimous vote.

- c. The Board reviewed Senate No. 4228 which requires certain disclosures to consumers regarding health care costs.

A motion was made by Dr. Collazo Harfst, seconded by Dr. Siegel to support the Bill. The motion carried by unanimous vote.

- d. New Jersey Prescription Blanks Program submitted Information regarding the Healthcare Facility Healthcare New Jersey Prescription Blanks.

Boards supports the information provided however requests that the New Jersey Prescription Blanks Program provide a copy of the prescription blank.

## **V ADJOURNMENT**

A motion was made by Dr. Siegel seconded by Dr. Rufolo to proceed to Executive Session, to hold an investigative inquiry, to consider and review advertisements, consumer complaints and other information received pursuant to the Board's investigative authority in order to determine whether violations of law, including Board's regulations, have occurred. The results of these deliberations will be made known when, and if, the Board determines to initiate disciplinary or other enforcement actions. If the Board chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session.

A motion was made by Dr. Siegel seconded by Dr. Greenspan to adjourn the meeting at 12:30p.m. The motion carried by unanimous vote.

Respectfully submitted  
BOARD OF OPTOMETRISTS

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Renee Pearson Clark  
Executive Director