

**CHAPTER 33**

**STATE BOARD OF OPHTHALMIC DISPENSERS  
AND OPHTHALMIC TECHNICIANS**

**Authority**

N.J.S.A. 45:1-15 and 52:17B-41.13.

**Source and Effective Date**

R.2011 d.074, effective February 1, 2011.  
See: 42 N.J.R. 1994(b), 43 N.J.R. 642(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, expires on February 1, 2018. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was originally filed and became effective prior to September 1, 1969.

Subchapter 4, Contact Lenses, was adopted as R.1979 d.462, effective November 27, 1979. See: 11 N.J.R. 454(a), 12 N.J.R. 47(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, General Rules and Regulations, Subchapter 2, Equipment, and Subchapter 3, Uniform Penalty Letter, were readopted as R.1984 d.112, effective March 19, 1984. See: 16 N.J.R. 215(a), 16 N.J.R. 738(b).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Contact Lenses, was readopted as R.1985 d.136, effective March 18, 1985. See: 16 N.J.R. 2513(a), 17 N.J.R. 710(b).

Pursuant to Executive Order No. 66(1978), Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.1990 d.204, effective March 12, 1990. See: 22 N.J.R. 154(a), 22 N.J.R. 1148(a).

Subchapter 3, Uniform Penalty Letter, was repealed by administrative change. See: 25 N.J.R. 1516(b).

Pursuant to Executive Order No. 66(1978), Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.1995 d.192, effective March 10, 1995. See: 27 N.J.R. 298(a), 27 N.J.R. 1428(a).

Subchapter 4, Contact Lenses, was repealed by R.1997 d.330, effective August 4, 1997. See: 29 N.J.R. 840(a), 29 N.J.R. 3456(a).

Petition for Rulemaking. See: 30 N.J.R. 2530(a), 30 N.J.R. 4485(a).

Pursuant to Executive Order No. 66(1978), Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.2000 d.146, effective March 10, 2000. See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Subchapter 3, Dispensing of Contact Lenses, was adopted as R.2001 d.95, effective March 19, 2001. See: 32 N.J.R. 1286(a), 33 N.J.R. 1010(b).

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.2005 d.305, effective August 11, 2005. As a part of R.2005 d.305, Subchapter 7, Advertising, was adopted as new rules, effective September 6, 2005. See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.2011 d.074, effective February 1, 2011. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. APPRENTICESHIPS

### 13:33-1.1 Minimum age for ophthalmic dispenser's apprentice certificate

Applicants for an ophthalmic dispenser's apprentice certificate shall be at least 17 years old.

Amended by R.2000 d.146, effective April 3, 2000.

See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Rewrote the section.

Recodified from N.J.A.C. 13:33-1.26 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.1 recodified as N.J.A.C. 13:35-1.3.

### 13:33-1.2 Minimum age for ophthalmic technician's apprentice certificate

Applicants for an ophthalmic technician's apprentice certificate shall be at least 16 years old.

Amended by R.2000 d.146, effective April 3, 2000.

See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Rewrote the section.

Recodified from N.J.A.C. 13:33-1.27 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.2 recodified as N.J.A.C. 13:35-1.4.

### 13:33-1.3 Ophthalmic dispenser apprentice certificate

An ophthalmic dispenser apprentice certificate shall expire four years after date of issue.

As amended, R.1983 d.15, effective February 7, 1983.

See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).

Changed certificate expiration from four to three years after date of issue.

Recodified from N.J.A.C. 13:35-1.1 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.3 recodified as N.J.A.C. 13:33-1.5 and amended.

Amended by R.2011 d.074, effective March 7, 2011.

See: 42 N.J.R. 1994(b), 43 N.J.R. 642(a)

Substituted "four" for "three".

### 13:33-1.4 Ophthalmic technician apprentice certificate

An ophthalmic technician apprentice certificate shall expire one year after date of issue.

As amended, R.1983 d.15, effective February 7, 1983.

See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).

Changed certificate expiration from two to one year after date of issue.

Recodified from N.J.A.C. 13:33-1.2 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

### 13:33-1.5 Supervision of apprentice ophthalmic dispensers and technicians

(a) Apprentice ophthalmic dispensers shall dispense ophthalmic appliances, eyeglasses or ophthalmic lenses as set forth in N.J.S.A. 52:17B-41.5, only under the immediate supervision of a licensed ophthalmic dispenser. Apprentice ophthalmic dispensers and technicians may produce, prepare and process ophthalmic lenses only under the immediate supervision of a licensed ophthalmic dispenser or a licensed ophthalmic technician. For the purpose of this subsection "immediate supervision" shall mean that a supervising preceptor shall be in the laboratory or dispensing area with the apprentice at all times during which the apprentice is engaged in apprentice functions.

(b) During an apprenticeship, a supervising preceptor shall be qualified to instruct and train an apprentice in the requisite skills, methods and techniques, so as to assure that an apprentice is competent in producing and reproducing ophthalmic lenses and kindred products and mounting the same to supporting materials. In addition, a preceptor must be qualified to afford training and instruction in the following areas:

1. With regard to ophthalmic dispenser apprentices:
  - i. Reading and interpreting prescriptions brought to a dispensing establishment and ascertaining the patient's individual needs;
  - ii. Selection, physical fitting and adjustment of frame in accordance with the patient's prescription and facial contour;
  - iii. Taking of near and far monocular pupillary distances;
  - iv. Lenses: grinding, processing, optical and geometric centers, prisms, measurement, base curve, multifocal, colors (tints), neutralization, transposition, duplication, and insertion;
  - v. Use of all required equipment pursuant to N.J.A.C. 13:33-3.5, including vertometer, lensometer or any other automatic electron equipment to measure the power of a lens, a lens clock and millimeter ruler, hand or automatic protractor for marking up lenses, automatic edger and handfinishing stone; and
  - vi. Frames: mountings, sizes, measurements and types of temples; and
2. With regard to ophthalmic technician apprentices:
  - i. Reading and transposition of prescriptions or orders for lenses;
  - ii. Lenses: grinding, processing, optical and geometric centers, prisms, measurements, base curve, multifocal, colors (tints), neutralization, transposition, duplication, and insertion;

of experience as an apprentice dispenser was acquired within the past two years.

(h) In the event that the ophthalmic dispenser apprentice meets the requirements to sit for examination and neither applies for, appears at, or is excused from said examination, an automatic failure will be imposed.

Amended by R.1983 d.15, effective February 7, 1983.

See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).

Deleted old text and added new text.

Amended by R.1987 d.323, effective August 3, 1987.

See: 19 N.J.R. 917(a), 19 N.J.R. 1455(a).

Substantially amended.

Amended by R.1995 d.192, effective April 3, 1995.

See: 27 N.J.R. 298(a), 27 N.J.R. 1428(a).

Amended by R.2000 d.146, effective April 3, 2000.

See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Rewrote the section.

Recodified from N.J.A.C. 13:33-1.13 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.8 recodified as N.J.A.C. 13:33-8.3.

Amended by R.2011 d.074, effective March 7, 2011.

See: 42 N.J.R. 1994(b), 43 N.J.R. 642(a)

In (a), inserted "and a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education"; and rewrote (c) and (e).

### 13:33-1.9 Ophthalmic technician apprentice; licensing examination

(a) An ophthalmic technician apprentice who has served as an apprentice for at least one calendar year of full-time employment shall apply for the first examination after the completion of the one year of full-time employment.

(b) In the event of illness, extreme emergency, or other good cause, an extension of application to the next succeeding examination may be granted by the Board.

(c) If the ophthalmic technician apprentice is unsuccessful in passing three consecutive examinations, the apprentice shall return the apprentice technician permit to the Board. An ophthalmic technician apprentice who has returned his or her permit to the Board may retake the ophthalmic technician licensing examination provided that the last year of experience as an apprentice technician was acquired within the past two years.

(d) In the event that the ophthalmic technician apprentice meets the requirements to sit for examination and neither applies for, appears at, or is excused from said examination, an automatic failure shall be imposed.

New Rule, R.2000 d.146, effective April 3, 2000.

See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Former N.J.A.C. 13:33-1.14, Military Service, recodified to N.J.A.C. 13:33-1.16.

Recodified from N.J.A.C. 13:33-1.14 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

## SUBCHAPTER 2. LICENSURE

### 13:33-2.1 Application for examination

(a) Applications for examination shall be filed with the executive director of the Board at least 30 days prior to the date on which the examination is to be held.

(b) Applications shall include a certification from the preceptor certifying that the applicant has completed, or will complete by the time of examination, one year of apprenticeship for the Qualifying Technical examination and the Ophthalmic Technician licensing examination, and three years of apprenticeship for the Ophthalmic Dispensing licensing examination or four months of apprenticeship for applicants for the Ophthalmic Dispensing licensing examination who have an associates degree.

Amended by R.1979 d.66, effective February 15, 1979.

See: 10 N.J.R. 503(a), 11 N.J.R. 145(b).

Amended by R.1995 d.192, effective April 3, 1995.

See: 27 N.J.R. 298(a), 27 N.J.R. 1428(a).

Amended by R.2000 d.146, effective April 3, 2000.

See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Rewrote the section.

Recodified from N.J.A.C. 13:33-1.24 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-2.1 recodified as N.J.A.C. 13:33-3.5.

### 13:33-2.2 Out-of-State ophthalmic dispenser application

(a) A Temporary Ophthalmic Dispenser Permit shall be issued to an individual from out of the State of New Jersey if the applicant is licensed as an ophthalmic dispenser in another state, has engaged in ophthalmic dispensing for a minimum of three years following the award of his or her license, the last year of ophthalmic dispensing having been acquired within five years of the date of application for the temporary permit and either:

1. Holds an associate degree in ophthalmic science from a school accredited by the Commission on Opticianry Accreditation and a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education; or

2. Has completed 30 credits of course work, in which he or she obtained a grade of either a "C" or better or a numerical grade of 70 or better, which included:

- i. Materials I and II Lecture;
- ii. Materials I and II Lab;
- iii. Dispensing I and II Lecture;
- iv. Dispensing I and II Lab;
- v. Principles of Optics (Theory of Optics);
- vi. Anatomy and Physiology of the Eye; and
- vii. Contact Lens Theory.

(b) The holder of Temporary Ophthalmic Dispenser Permit may practice dispensing in New Jersey without supervision but may not supervise any apprentices and must take the first Ophthalmic Dispenser licensing examination following the issuance of the permit. If the holder of a permit fails to take the next scheduled examination because of illness, emergency or other good cause, he or she may apply to the Board to take another examination. Applications shall set forth the reason why the holder of a permit was not able to take the examination. A holder of a permit who fails to take the licensing examination and who has not been granted approval by the Board to take another examination shall return the permit to the Board and shall stop engaging in the practice of ophthalmic dispenser in New Jersey.

(c) If the holder of a Temporary Ophthalmic Dispenser Permit fails the Ophthalmic Dispenser licensing examination once, the Temporary Ophthalmic Dispenser Permit may be renewed one time. A holder of a permit working as a Temporary Ophthalmic Dispenser pursuant to a renewed permit shall take the next scheduled licensing examination. If the holder of the permit fails the second examination, or fails to take the next scheduled examination, he or she shall return the Temporary Ophthalmic Dispenser Permit and shall no longer work as an ophthalmic dispenser until he or she passes the licensing examination. If the holder of a permit fails to take the next scheduled examination because of illness, emergency or other good cause, he or she may apply to the Board to take another examination. Applications shall set forth the reason why the holder of a permit was not able to take the examination. The holder of a permit who has returned the Temporary Ophthalmic Dispenser Permit may take the Ophthalmic Dispenser Licensing examination provided that he or she practiced as an Ophthalmic Dispenser in another state within the previous five years. An individual whose last year of Ophthalmic Dispenser practice was more than five years ago may enter an apprenticeship program for licensure.

(d) An individual who has worked as an ophthalmic dispenser in a state that does not license ophthalmic dispensers shall qualify to take the Ophthalmic Dispenser licensing examination in this State provided that he or she:

1. Holds an associate degree in Ophthalmic Science from a school accredited by the Commission on Opticianry Accreditation and a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education and has four months of experience as a dispenser of prescription eyewear subsequent to the award of the degree and within the immediately preceding five-year period; or
2. Has worked as a dispenser of prescription eyewear for three calendar years, the last year of which shall have been within five years of the date of application for examination, and has satisfactorily completed 30 credit hours of courses in ophthalmic science, in which he or she

obtained a grade of either a "C" or better or a numerical grade of 70 or better, which included:

- i. Materials I and II Lecture;
- ii. Materials I and II Lab;
- iii. Dispensing I and II Lecture;
- iv. Dispensing I and II Lab;
- v. Principles of Optics (Theory of Optics);
- vi. Anatomy and Physiology of the Eye; and
- vii. Contact Lens Theory.

As amended, R.1983 d.15, effective February 7, 1983.

See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).

Changed section title from temporary ophthalmic dispenser permit. Added 2. to (a). Also added (b).

Amended by R.1987 d.323, effective August 3, 1987.

See: 19 N.J.R. 917(a), 19 N.J.R. 1455(a).

Credits changed from 18 to 30.

Amended by R.1995 d.192, effective April 3, 1995.

See: 27 N.J.R. 298(a), 27 N.J.R. 1428(a).

Amended by R.2000 d.146, effective April 3, 2000.

See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Rewrote the section.

Recodified from N.J.A.C. 13:33-1.11 and amended by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Updated the N.J.A.C. reference in (c).

Former N.J.A.C. 13:33-2.2 recodified as N.J.A.C. 13:33-3.6.

Amended by R.2011 d.074, effective March 7, 2011.

See: 42 N.J.R. 1994(b), 43 N.J.R. 642(a)

Rewrote the section.

### 13:33-2.3 Out-of-State ophthalmic technician applicants

(a) A Temporary Ophthalmic Technician Permit shall be issued to an individual from out of the State of New Jersey who has completed an Ophthalmic Technician course from a school accredited by the Commission on Opticianry Accreditation, and a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, and can show that he or she has completed at least one year of optical laboratory experience within five years of the date of application for such permit.

(b) The holder of a Temporary Ophthalmic Technician Permit may work as an Ophthalmic Technician in New Jersey without supervision of a New Jersey licensee but may not supervise any apprentices and must take the first Ophthalmic Technician licensing examination following the issuance of the Permit.

(c) If the holder of a Temporary Ophthalmic Technician Permit fails the Ophthalmic Technician licensing examination, the Temporary Ophthalmic Technician Permit may be renewed one time. An applicant working as a Temporary Ophthalmic Technician pursuant to a renewed Temporary Ophthalmic Technician Permit shall take the next scheduled licensing examination. If the applicant fails the second examination, he or she shall surrender the Temporary Ophthalmic Technician Permit and shall no longer work as an Ophthalmic