

## CHAPTER 33

STATE BOARD OF OPHTHALMIC DISPENSERS  
AND OPHTHALMIC TECHNICIANS

## Authority

N.J.S.A. 52:17B-41.13.

## Source and Effective Date

R.1995 d.192, effective March 10, 1995.  
See: 27 N.J.R. 298(a), 27 N.J.R. 1428(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, expires on March 10, 2000.

## Chapter Historical Note

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was originally filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 33, Subchapters 1-3 were readopted by 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 was readopted by 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 was readopted as R.1990 d.204, effective March 12, 1990. See: 22 N.J.R. 154(a), 22 N.J.R. 1148(a).

Pursuant to Executive Order No. 66(1978), Chapter 33 was readopted as R.1995 d.192. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL RULES AND REGULATIONS

## 13:33-1.1 Ophthalmic dispenser apprentice certificate

An ophthalmic dispenser apprentice certificate shall expire three 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.

## 13:33-1.2 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.

## 13:33-1.3 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 on the premises at all times during which an individual 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. 13:33-2.1 and 2.2, including, but not limited to, 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 hand-finishing stone;
  - vi. Frames: mountings, sizes, measurements and types of temples.
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;
  - iii. Use of all required equipment pursuant to N.J.A.C. 13:33-2.1 and 2.2, including, but not limited to, vertometer, lensometer or any other automatic electronic 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 hand-finishing stone;

iv. Frames: mountings, sizes, measurements and types of temples.

(c) In the event that a preceptor's apprentice fails to establish competence in licensing examinations for reasons attributable to the failure of a preceptor to properly train and instruct such apprentice, the Board, upon notice and affording an opportunity to be heard, may exclude an individual from acting as a preceptor.

(d) A licensed ophthalmic dispenser or licensed ophthalmic technician employed full time at an optical establishment, or a physician or optometrist duly licensed to practice medicine or optometry in the State of New Jersey who is qualified to train apprentices, shall not be permitted to employ, supervise or train more than two registered apprentices at any given time.

(e) A work-study program is defined as that activity which places students enrolled in the Ophthalmic Science curriculum of any school approved by the National Commission on Accreditation into the optical field on a limited basis under the supervision of a college-approved preceptor for the purpose of gaining college-supervised practical experience. A college-approved preceptor is that individual licensed in New Jersey as an ophthalmic dispenser or ophthalmic technician who meets the conditions established by the college in the development of its work-study program.

1. Where a licensed ophthalmic dispenser or a licensed ophthalmic technician qualifies as a college-approved preceptor in a work-study program, he or she shall be permitted to supervise additionally a maximum of two work-study students who shall be registered with the State Board of Examiners. The work-study time accumulated by students will not be credited to apprenticeship time required by statute to qualify for licensure.

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

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

Added "appliances, eyeglasses or ophthalmic" as set forth in the statute.

As amended, R.1984 d.22, effective February 6, 1984.

See: 15 N.J.R. 1832(a), 16 N.J.R. 248(c).

In (a), added last two sentences and added new (b)-(e).

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

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

#### 13:33-1.4 (Reserved)

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

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

Added kindred products as set forth in the statute.

R.1984 d.22, effective February 6, 1984.

See: 15 N.J.R. 1832(a), 16 N.J.R. 248(c).

Repealed rule concerning supervision of apprentice ophthalmic technicians.

#### 13:33-1.5 (Reserved)

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

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

Repealed renewal of apprentice certificates.

(f) Any person desiring approval as a sponsor of a continuing education course, seminar or program shall:

1. Complete and submit the written application form provided by the Board. The application form will elicit descriptive information concerning the course offering, such as:

- i. The name and address of sponsoring organization and the name of individual filing application;
- ii. The title and a complete description of course offering;
- iii. The date, time (beginning and end) and place of course offering;
- iv. Curriculum vitae of each speaker; and
- v. The mechanism to be used to assess program value.

2. Secure Board approval prior to offering any continuing education course, seminar or program and prior to representing that any course, seminar or program fulfills the requirements of this section;

3. Notify all licensees of the time, place and date of the course being offered; and

4. Monitor the attendance at each approved course and furnish to each enrollee a verification of attendance.

(g) An ophthalmic dispenser on inactive status who seeks to reactivate his or her license shall submit proof to the Board of successful completion of nine credits of approved continuing education course work for each biennial period of approved inactive status.

New Rule, R.1993 d.173, effective April 19, 1993.  
See: 25 N.J.R. 57(b), 25 N.J.R. 1771(c).

## SUBCHAPTER 2. EQUIPMENT

### 13:33-2.1 Minimum optical equipment in establishments where apprentices are registered and/or where fabricating is done on the premises

(a) All optical establishments where apprentices are registered or where fabricating is done on the premises, shall be equipped with a minimum of optical equipment as follows: (NOTE: For the purpose of this rule, fabricating shall be construed to mean the producing and reproducing of lenses and mounting the same to supporting materials.)

1. One set of hand tools consisting of files, screwdrivers, pliers, hammers/anvils or hand press, reamers, taps, calipers and millimeter ruler;
2. One automatic lens analyzer (lensometer, vertometer, or any other automatic electronic equipment to measure the power of a lens and lens clock;

3. Hand or automatic protractor for marking up lenses;

4. One colmascope or similar instrument, lens hardening equipment, drop ball tester;

5. One frame heater;

6. One automatic edger and hand finishing stone; and

7. One set of samples of frames and mountings, minimum 25, including zyl, rimless and metal rims.

Amended by R.1984 d.534, effective November 19, 1984.  
See: 16 N.J.R. 2062(a), 16 N.J.R. 3207(a).  
Substantially amended.

### 13:33-2.2 Optical equipment required for practice of ophthalmic dispensing in establishments where no fabricating is done on premises and where no apprentices are registered

(a) All optical establishments where ophthalmic dispensers practice and where no fabricating is done on the premises and no apprentices are registered, shall be equipped with a minimum of optical equipment as follows:

1. One set of hand tools consisting of files, screwdrivers, pliers, hammers/anvils or hand press, reamers, taps, calipers and a millimeter ruler;

2. One automatic lens analyzer (lensometer, vertometer, or any other automatic electronic equipment to measure the power of a lens) and lens clock;

3. One colmascope or similar instrument;

4. One frame heater;

5. One hand finishing stone; and

6. One set of samples of frames and mountings, minimum 25, including zyl, rimless and metal rims.

(b) All optical establishments that do not have a laboratory on the premises shall conspicuously display to the public a sign stating, "No laboratory on the premises." The size of the sign shall be a minimum of eight inches by 10 inches.

Amended by R.1984 d.534, effective November 19, 1984.  
See: 16 N.J.R. 2062(a), 16 N.J.R. 3207(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).

## SUBCHAPTER 3. (RESERVED)

### 13:33-3.1 (Reserved)

Repealed by Administrative change.  
See: 25 N.J.R. 1516(b).  
Section was "Uniform penalty letter".

SUBCHAPTER 4. CONTACT LENSES

R.1979 d.462, effective November 27, 1979.

See: 11 N.J.R. 454(a), 12 N.J.R. 47(a).

**13:33-4.1 Dispensing; contact lenses**

Contact lenses shall not be dispensed directly to the patient; they shall be dispensed only to an ophthalmologist or optometrist designated by the patient.