9. Instruments to measure intraocular pressure;

10. Biomicroscope (slit-lamp), or other equipment with equivalent technological capabilities.

Amended by, R.1980 d.202, effective May 6, 1980.
See: 12 N.J.R. 90(b), 12 N.J.R. 348(d).
Amended by R.1985 d.60, effective February 19, 1985.
See: 16 N.J.R. 3289(a), 17 N.J.R. 467(a).
Substantially amended.
Petition for Rulemaking.
See: 26 N.J.R. 2812(c).
Amended by R.1995 d.524, effective September 18, 1995.
See: 27 N.J.R. 2092(a), 27 N.J.R. 3617(a).

13:38-2.3 Records of examinations and prescriptions; computerized records

(a) Licensees shall prepare and maintain contemporaneous, legible, permanent professional treatment and billing records made to patients or third-party carriers for professional services. All treatment records, bills and claim forms shall accurately reflect the treatment of services rendered. Treatment and billing records shall be maintained for a period of not less than seven years from the date of the most recent entry.

(b) To the extent applicable, professional treatment records shall contain, in addition those findings required by the minimum examination as set forth in N.J.A.C. 13:38-2.1:

1. The dates of all patient visits, examinations, and treatments;

2. The patient complaint or reason for visit;

3. The patient history;

4. The findings of the examination;

5. Progress notes;

6. Any orders for tests or consultations and the results thereof;

7. Diagnosis or impression;

8. Complete eyeglass, contact lens, or pharmaceutical prescriptions;

9. The treatment or plan initiated, including specific dosages, quantities and strengths of medications, including the number of refills, if prescribed, administered or dispensed, and recommended follow-up;

10. The identity of the optometrist providing treatment and the name of the person dispensing eyeglasses, contact lenses, or issuing pharmaceutical prescriptions to the patient;

11. Documentation when, in the reasonable exercise of the optometrist's judgment, the communication of examination results is necessary and action needs to be taken but reasonable efforts made by the optometrist responsible for communication have been unsuccessful; and

12. Documentation concerning the decision and justification when, after the required evaluation of a patient for the specifically advertised brand and type of contact lens which attracted or induced the patient to seek such goods, the patient is fitted with another brand or type of contact lens.

(c) Corrections, but no deletions or additions, may be made to an existing record, provided that each entry is clearly identified as such and initialed and dated by the licensee.

(d) Treatment records may be prepared and maintained on a personal or other computer but shall be in compliance with the following criteria:

1. The record shall contain no less than two independent forms of identification, such as patient name and record number;

2. An entry in a patient's treatment record shall be made by the optometrist contemporaneously with the optometric service and shall contain all of the information required in (b) above, and the full printed name of the optometrist providing the care. The system and/or software shall be set up in such a way that all data and findings must be manually entered and are not entered by default;

3. The optometrist shall finalize or "sign" the entry by means of a confidential personal code ("CPC") and include the date of the "signing." In those practices with multiple licensees, each optometrist shall have his or her own CPC;

4. The optometrist may dictate a dated entry for later transcription. The transcription shall be identified as "preliminary" until reviewed and finalized as provided in 3, above;

5. The system used to record the treatment record shall provide an automatic dating of the entry and prepare an automatic back-up file. No other data or findings may be entered automatically by the system. Any additional data or findings shall be entered manually each time a patient's treatment record is updated;

6. The system shall not allow an entry to be modified in any manner after it is "signed" by means of the CPC. A new entry shall be required to modify a preexisting entry and signed again by means of the CPC;

7. The system shall have the capability to print on demand a hard copy of all current and historical data contained in each patient record file;

8. The optometrist shall maintain the safety and security of back-up data and hard copies maintained off premises; and

9. The optometrist shall provide to the Board upon request any back-up data and/or hard copies maintained off premises on any requested patient records, together with the following information:

i. The name of the computer operating system and patient record management software package containing the requested patient record files and instructions on using such system;

ii. Current passwords necessary to access the requested patient record files;

iii. Previous passwords if required to access the requested patient record files; and

iv. The name of the contact person(s) who provides technical support for the licensee's computer operating system and patient record management software package.

Amended by R.1985 d.60, effective February 19, 1985.
See: 16 N.J.R. 3289(a), 17 N.J.R. 467(a).
(c) added.
Amended by R.1989 d.252, effective May 15, 1989.
See: 20 N.J.R. 236(b), 21 N.J.R. 1366(b).
Added new (e), clarifying procedure regarding an optometrist's responsibility for patient evaluation for a specifically advertised brand of contact lenses.
Amended by R.1993 d.357, effective July 19, 1993.
See: 24 N.J.R. 4237(a), 25 N.J.R. 3232(a).
Petition for Rulemaking.
See: 26 N.J.R. 4707(c).
Amended by R.1995 d.524, effective September 18, 1995.
See: 27 N.J.R. 2092(a), 27 N.J.R. 3617(a).
Petition for Rulemaking.
See: 30 N.J.R. 2958(b), 30 N.J.R. 3109(a).
Amended by R.2006 d.126, effective April 3, 2006.
See: 37 N.J.R. 3780(a), 38 N.J.R. 1574(b).
In (a), added "legible,"; in (b)8, made grammatical changes and added ", or pharmaceutical"; rewrote (b)10; in (c), substituted "Corrections, but no deletions or additions," for "Corrections or additions, but no deletions," and "entry" for "change"; deleted (d)10.
Amended by R.2012 d.077, effective April 16, 2012.
See: 43 N.J.R. 822(a), 44 N.J.R. 1272(a).
In (a), inserted "and maintain", inserted "and billing" twice, and deleted "and shall also maintain records relating to billings" preceding "made".

13:38-2.4 Requirements for issuing prescriptions and dispensing of medications

(a) Written prescriptions shall be issued only on New Jersey Prescription Blanks (NJPB).

1. All prescription blanks shall be numbered consecutively and shall be printed on non-reproducible, non-erasable safety paper bearing the optometrist's license number and National Provider Identifier Number, if applicable;

2. All prescription blanks shall be secured from a vendor approved by the Division of Consumer Affairs in the Department of Law and Public Safety;

3. A record shall be maintained of the receipt of New Jersey Prescription Blanks; and

4. The Office of Drug Control in the Division of Consumer Affairs shall be notified as soon as possible but no later than 72 hours from the time that the optometrist becomes aware that a New Jersey Prescription Blank has been altered, lost, or stolen from the optometrist's possession.

(b) Every optometrist shall provide the following information on all prescriptions:

1. The prescriber's full name, address, telephone number, license number and academic degree or identification of professional practice. This information shall be preprinted on all prescriptions;

2. The full name of the patient;

3. The date of issuance of prescription; and

4. The signature of the prescriber, hand-written.

(c) Every optometrist certified to prescribe pharmaceutical agents pursuant to the provisions of N.J.A.C. 13:38-4 and N.J.S.A. 45:12-9.8 through 9.12 shall, in addition to the information set forth in (a) above, provide the following on all prescriptions for pharmaceutical agents:

1. The optometrist's certification number;

2. The name, strength and quantity of drug or drugs to be dispensed;

3. Adequate instruction for the patient, which shall include, but not be limited to, duration, frequency and dosage. The use of "p.r.n." or "as directed" without further instruction shall be deemed insufficient direction.

4. The number of refills permitted or time limit for refills, or both; and

5. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and shall contain space for the optometrist's initials next to the chosen option, in addition to the space required for the signature in (a)4 above.

(d) In addition to the provisions of (a) and (b) above, optometrists certified to prescribe pharmaceutical agents pursuant to the provisions of N.J.A.C. 13:38-4 and N.J.S.A. 45:12-9.8 through 9.13 shall comply with the following:

1. The optometrist shall advise all patients by sign or pamphlet or similar notice available in a conspicuous location in the optometrist's office that the patient may request that the optometrist substitute a generic drug, when available, for any prescribed medication.

2. The optometrist shall not dispense a prescription as provided for in N.J.S.A. 45:12-1 in an amount exceeding a 72-hour supply unless the prescription is dispensed at no charge to the patient.

3. The optometrist shall ensure that each medication dispensed directly to a patient is placed in a container or envelope labeled in a legible manner with at least the following information:

i. The optometrist's full name, license and certificate number;

ii. The full name of the patient;

iii. The date the medication is dispensed;

iv. The name, strength and quantity of medication dispensed; and

v. Adequate instructions for the patient regarding the frequency of administration of the medication.

(e) In no instance shall an optometrist sign a blank prescription form or dispense medications without complying with the requirements of this section.

(f) All licensees who are certified to prescribe therapeutic pharmaceutical agents on a topical level only, shall include the following language on the prescription blank:

"NOT VALID FOR CONTROLLED SUBSTANCES. VALID FOR TOPICAL PHARMACEUTICAL AGENTS (IF TPA CERTIFIED) AND PRESCRIPTION EYEWEAR ONLY."

(g) Any licensee who practices outside his or her scope of practice, as defined in N.J.S.A. 45:12-1, will be deemed to have engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(h) Each prescription for a controlled dangerous substance shall be written on a separate NJPB.

1. An NJPB that contains prescriptions for two or more controlled dangerous substances shall be invalid.

2. An NJPB that contains a prescription for only one controlled dangerous substance and contains other medication(s) shall not be valid.

(i) All licensees are prohibited from prescribing controlled dangerous substances as outlined in N.J.S.A. 24:21-5, Schedule I, and 24:21-6, Schedule II.

(j) Each prescription for a pharmaceutical agent shall be for the purpose of diagnosing and treating deficiencies, deformities, diseases, or abnormalities of the human eye and adnexae.

(k) An optometrist may transmit a prescription to a pharmacist telephonically or electronically.

New Rule, R.1992 d.443, effective November 2, 1992.
See: 24 N.J.R. 2802(a), 24 N.J.R. 4058(a).
Prior text at section, Vision screening, recodified to 13:38-2.5.
Amended by R.1995 d.524, effective September 18, 1995.
See: 27 N.J.R. 2092(a), 27 N.J.R. 3617(a).
Petition for Rulemaking.
See: 29 N.J.R. 2717(b), 30 N.J.R. 3556(b), 31 N.J.R. 2007(b).
Amended by R.2006 d.450, effective December 18, 2006.
See: 38 N.J.R. 2788(a), 38 N.J.R. 5390(a).
In introductory paragraph of (c), updated the last N.J.S.A. reference; in (c)1, inserted ", when available,"; in (e), inserted "and N.J.A.C. 13:45A-27"; and added (f) through (j).
Amended by R.2012 d.077, effective April 16, 2012.
See: 43 N.J.R. 822(a), 44 N.J.R. 1272(a).
Added new (a) and (k); recodified former (a) through (d) as (b) through (e); in the introductory paragraph of (b), inserted "information"; deleted former (e); and in (h)2, substituted "medication(s) shall not" for "prescriptions(s) other than another controlled substance shall".

13:38-2.5 (Reserved)

As amended, R.1970 d.59, effective May 29, 1970.
See: 2 N.J.R. 35(b), 2 N.J.R. 55(f).
Amended by R.1985 d.60, effective February 19, 1985.
See: 16 N.J.R. 3289(a), 17 N.J.R. 467(a).
(b) deleted.
Recodified from 13:28-2.4 by R.1992 d.443, effective November 2, 1992.
See: 24 N.J.R. 2802(a), 24 N.J.R. 4058(a).
Prior text at section, Division of Fees, recodified to 13:38-2.6.

13:38-2.6 (Reserved)

Amended by R.1985 d.60, effective February 19, 1985.
See: 16 N.J.R. 3289(a), 17 N.J.R. 467(a).
(b): Deleted "or responsibility".
Amended by R.1989 d.252, effective May 15, 1989.
See: 20 N.J.R. 2361(b), 21 N.J.R. 1366(b).
Recodified as new 2.5 from old 2.6 (with no change of text) and replaced old 2.5, "Free eye examinations or refractions," which was repealed.
Recodified from 13:28-2.5 by R.1992 d.443, effective November 2, 1992.
See: 24 N.J.R. 2802(a), 24 N.J.R. 4058(a).
Prior text at section, Vision service plans, recodified to 13:38-2.7.
Repeal and New Rule, R.1993 d.357, effective July 19, 1993.
See: 24 N.J.R. 4237(a), 25 N.J.R. 3232(a).

13:38-2.7 (Reserved)

Amended by, R.1970 d.59, effective May 29, 1970.
See: 2 N.J.R. 35(b), 2 N.J.R. 55(f).
Amended by R.1985 d.60, effective February 19, 1985.
See: 16 N.J.R. 3289(a), 17 N.J.R. 467(a).
Old text deleted and new text substituted.
Amended by R.1989 d.252, effective May 15, 1989.
See: 20 N.J.R. 2361(b), 21 N.J.R. 1366(b).
Recodified as new 2.6 from old 2.7 with no change in text.