

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 4. (RESERVED)

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 handfinishing 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 handfinishing 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.

13:33-1.6 (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 apprenticeship credit.

13:33-1.7 Branch office certificate

(a) A branch office or other place of employment certificate will be issued for a period of two years.

(b) A fee will be charged for this certificate as indicated in N.J.A.C. 13:33-1.41.

As amended, R.1983 d.15, effective February 7, 1983.
See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).

Changed employment certificate period of issuance from one to two years. Fee for certificate changed from \$5.00 to as indicated in the statute.

13:33-1.8 Change of address

All persons holding certificates or permits must notify the Board immediately of any change of address or place of employment.

13:33-1.9 (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 ophthalmic dispenser exempt licenses.

13:33-1.10 (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 ophthalmic technician exempt licenses.

13:33-1.11 Out-of-state applicants: Ophthalmic Dispensers

(a) Temporary Ophthalmic Dispenser Permit requirements are as follows:

1. A temporary Ophthalmic Dispenser Permit shall be issued only to an individual from out of the State of New Jersey who is licensed as an ophthalmic dispenser in another state; and has either an associate degree in ophthalmic science from a Board-approved school or 30 credits of Board-approved course work in ophthalmic science; and has worked in the optical field for a minimum of three years following the award of his/her license, the last year of ophthalmic dispensing having been acquired within five years of the date of application for such permit.

2. The holder of a Temporary Ophthalmic Dispenser Permit may work in the optical field in New Jersey without supervision but may not supervise any apprentices; must take the first Ophthalmic Dispenser examination following the issuance of the Permit; and may have such Permit renewed once only, should the failing examination grade fall within the administrative guidelines adopted by the Board. If the holder of a Temporary Ophthalmic Dispenser Permit fails the Ophthalmic Dispenser examination, and the failing examination grades do

not meet the standards set by the Board for renewal of this Permit, this individual must cease work in the optical field in the State of New Jersey but may continue to apply for the examination, subject to the provision that the last year of work in the optical field has been acquired within the five years last preceding the date of such application.

(b) Qualifications for examinations and licensure are as follows:

1. Any individual with out-of-state optical qualifications may apply for examination and licensure as an Ophthalmic Dispenser, without having worked in the State of New Jersey, provided that the applicant:

i. Holds an associate degree and has four months of experience in the optical field subsequent to the award of the degree and within the immediately preceding five-year period; or

ii. Has satisfactorily completed 30 credit hours of Board-approved courses in ophthalmic science and thereafter has worked in the optical field for three calendar years, the last year of which shall have been acquired within five years of the date of application for examination.

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).

13:33-1.12 Out-of-State Applicants: Ophthalmic Technicians

(a) Temporary Ophthalmic Technician Permit:

1. A Temporary Ophthalmic Technician Permit shall be issued only to any individual from out of the State of New Jersey who can prove at least one year of optical laboratory experience acquired within five years of the date of application for such Permit.

2. The holder of a Temporary Ophthalmic Technician Permit may work in the optical field in New Jersey without supervision of a New Jersey licensee but may not supervise any apprentices; must take the first Ophthalmic Technician examination following the issuance of the Permit; and may have such Permit renewed once only should the failing examination grade fall within the administrative guidelines adopted by the Board. If the holder of a Temporary Technician Permit fails the Ophthalmic Technician examination and the failing examination grades do not meet the standards set by the Board for renewal of this Permit, this individual must cease work in the optical field in the State of New Jersey but may continue to apply for the examination, subject to the provision that the last year of experience in the optical

field has been acquired within the five years last preceding the date of such application.

(b) Qualifications for examinations and licensure: Any individual with out-of-State optical qualifications as set forth in N.J.S.A. 52:17B-41.9(b) may apply for examination and licensure as an Ophthalmic Technician, without having worked in the State of New Jersey, subject to the provision that the last year of experience in the optical field has been acquired within five years of the date of application for examination.

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 technician permit. Added 2. to (a). Also added (b).

13:33-1.13 Examination: apprenticeship requirements

(a) The requirements for the first 12 months of apprenticeship and the Qualifying Technical examination are as follows:

1. An Apprentice Dispenser who commences his or her required course work in ophthalmic science in the 1987 fall semester or thereafter must complete not less than 12 credit hours of Board-approved course work in ophthalmic science within the first 12 months of the registered apprenticeship. Materials I and II Lecture, and Materials I and II Lab, representing a minimum of 12 credits, must be taken in order to fulfill this requirement.

2. An Apprentice Dispenser who registered with the Board and commenced his or her required course work in ophthalmic science prior to the 1987 fall semester must complete not less than six credit hours of Board-approved course work in ophthalmic science within the first 12 months of the registered apprenticeship. Materials I and II Lecture, representing a minimum of six credits, must be taken in order to fulfill this requirement.

3. The Apprentice Dispenser shall apply for the first Qualifying Technical examination subsequent to the completion of the first 12 months. 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.

4. If the candidate is unsuccessful in passing three consecutive examinations, he/she must return his/her permit. In the event that the candidate 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.

5. The Qualifying Technical examination shall consist of a written test and practical tests in neutralization and fabrication and shall be offered twice annually.

(b) The requirements for the Dispenser examination are as follows:

1. An Apprentice Dispenser who commenced his or her required course work in ophthalmic science in the 1987 fall semester or thereafter must complete not less than 30 hours of Board-approved course work in ophthalmic science within the required 36 months of registered apprenticeship. The 30 credits must include Materials I and II Lecture and Materials I and II Lab, taken within the first 12 months of apprenticeship; Dispensing I and II Lecture and Dispensing I and II Lab; Principles of Optics (Theory of Optics); Anatomy and Physiology of the Eye; and Contact Lens Theory.

2. An Apprentice Dispenser who registered with the Board and commenced his or her required course work in ophthalmic science prior to the 1987 fall semester must complete not less than 18 hours of Board-approved course work in ophthalmic science within the required 36 months of registered apprenticeship. The 18 credits must include Materials I and II Lecture, taken within the first 12 months of apprenticeship; Dispensing I and II Lecture; Principles of Optics (Theory of Optics); and Anatomy and Physiology of the Eye.

3. The Apprentice Dispenser is required to apply for the first examination subsequent to the completion of said 36 months. 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.

4. 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.

5. If the candidate is unsuccessful in passing three consecutive examinations, he/she must return his/her permit. However, no individual may be denied the right to continue to take any examination for licensure for which he/she qualifies, provided that the last year of experience in the optical field has been acquired within the past two years. In the event that the candidate 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.

(c) The requirements for the Technician examination are as follows:

1. An Apprentice Technician who has served as a registered Apprentice of not less than one calendar year of full time employment is required to apply for the first examination after the completion of his/her one calendar year of full-time employment.

2. 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.