

See: 26 N.J.R. 2812(c); 27 N.J.R. 773(a).
Amended by R.1995 d.524, effective September 18, 1995.
See: 27 N.J.R. 2092(a), 27 N.J.R. 3617(a).
Amended by R.1999 d.143, effective May 3, 1999.
See: 30 N.J.R. 1193(a), 31 N.J.R. 1201(a).
Rewrote the section.

Cross References

Preceptees, see N.J.A.C. 13:38-2.12.

13:38-2.2 Minimum equipment

(a) For the proper performance of the requirements of N.J.A.C. 13:38-2.1 (Minimum examination), the following equipment is mandatory:

1. Ophthalmoscope;
2. Instrument for the objective measurement of the refractive status of the eye;
3. Instrument to measure the radius of the curvature of the cornea;
4. Instrument, including but not limited to, trial frame with test lenses and auxiliary prisms, for the measurement of the subjective refractive status of the eye;
5. Test objectives for stereopsis and fusion;
6. Instrument or chart to measure distance and near visual acuity;
7. Pseudoisochromatic method for testing color vision;
8. Equipment to measure central and peripheral fields;
9. Accurate corneal or non-contact tonometer to determine intraocular pressure;
10. Biomicroscopic (slit-lamp), or such 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

(a) Every optometrist practicing in this State shall keep a complete record of examinations made and prescriptions issued. The record shall include, but not be limited to, all findings and pertinent facts concerning the patient that are discovered and disclosed during the course of the examination, as well as the record of professional services rendered and the fees charged. The record shall be preserved by the optometrist for a period of not less than seven years from the date of the last entry.

(b) In a multi-doctor practice and/or corporation, for every professional service rendered, the name of the doctor or doctors rendering such service or services, shall be clearly indicated on the patient record.

(c) The name of the person dispensing eyeglasses or contact lenses to the consumer/patient, shall also be indicated on the patient record.

(d) Every optometrist shall be required to evaluate a patient for the specifically advertised brand and type of contact lenses which attracted or induced the patient to seek such goods. In the event that the patient is fitted with another brand or type of contact lens, the patient record shall reflect that decision and the justification therefor.

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).

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

(a) Every optometrist shall provide the following 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 pre-printed on all prescriptions;
2. The full name, age and address of the patient;
3. The date of issuance of prescription; and
4. The signature of the prescriber, hand-written.

(b) Every optometrist certified to prescribe pharmaceutical agents pursuant to the provisions of N.J.A.C. 13:38-4 and P.L. 1991, c.385, 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.

(c) 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 P.L. 1991, c.385, shall comply with the following:

1. The optometrist shall advise all patients by adequate notice, such as, but not limited to, a sign or pamphlet in the waiting room of the optometrist's office, that the patient may request the optometrist to substitute a generic drug 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 container of medication dispensed directly to a patient is labeled in a legible manner with at least the following information:

- i. The optometrist's full name;
- ii. The full name of the patient;
- iii. The date the medication is dispensed;
- iv. The expiration date of medication;
- v. The name, strength and quantity of medication dispensed;
- vi. Adequate instructions for the patient regarding the frequency of administration of the medication;
- vii. When an optometrist dispenses a pharmaceutical sample which has been packaged and labeled by the manufacturer and such sample package contains the information required by (c)3v and vi above, the information listed in (c)3i through ii, inclusive, above need not be added; and
- viii. When an optometrist dispenses a medication, other than a sample exempted pursuant to (c)3vii above, in a container without sufficient space for the information required by this paragraph, the container shall be placed in a larger container or envelope, and the larger container or envelope shall be labeled as indicated in this paragraph and shall contain only one type of medication.

(d) In no instance shall an optometrist sign a blank prescription form or dispense drugs without complying with the above standards.

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: Notice of Receipt of a Petition for Rulemaking.

See: 29 N.J.R. 2717(b), 30 N.J.R. 3556(b).

13:38-2.5 Vision screening

Nothing contained in this chapter shall be construed to prohibit vision screening under the direction and supervision of an optometrist for the purpose of determining the advisability of a complete optometric examination.

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 Division of fees

It shall be professional misconduct for a licensee to pay, offer to pay, to solicit or to receive from any person any fee or other form of compensation for the referral of a patient or purchaser of goods and services. The within prohibition shall not prohibit the division of fees among licensees engaged in a bona fide employment, partnership or corporate relationship for the delivery of professional services.

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 Vision service plans

(a) N.J.S.A. 45:12-19.1 shall not be construed to prohibit an optometrist from providing optometric services in conjunction with a vision service plan.

(b) A vision service plan shall be construed to mean a plan offered by an association or corporation whereby professional practitioners legally authorized to provide optometric care can offer their professional services upon a planned payment basis to members of groups desiring said services and to make available any and all other optometric functions and services on such planned payment basis.

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.