

CHAPTER 33

STATE BOARD OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS

Authority

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

Source and Effective Date

R.2000 d.146, effective March 10, 2000.
See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Executive Order No. 66(1978) Expiration Date

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, expires on March 10, 2005.

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 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, Contact Lenses, 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, 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Subchapter 3, Uniform Penalty Letter, was repealed by administrative change.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Subchapter 4, Contact Lenses, was repealed by R.1997 d.330, effective August 4, 1997.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: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL RULES AND
REGULATIONS

- 13:33-1.1 Ophthalmic dispenser apprentice certificate
- 13:33-1.2 Ophthalmic technician apprentice certificate
- 13:33-1.3 Supervision of Apprentice ophthalmic dispensers and technicians
- 13:33-1.4 through 13:33-1.6 (Reserved)
- 13:33-1.7 Branch office certificate
- 13:33-1.8 Change of address
- 13:33-1.9 (Reserved)

- 13:33-1.10 (Reserved)
- 13:33-1.11 Out-of-State ophthalmic dispenser application
- 13:33-1.12 Out-of-State ophthalmic technician applicants
- 13:33-1.13 Ophthalmic dispenser apprentice; licensing examination
- 13:33-1.14 Ophthalmic technician apprentice; licensing examination
- 13:33-1.15 Review of examination
- 13:33-1.16 Military service
- 13:33-1.17 Ophthalmic dispenser: definition; scope of practice
- 13:33-1.18 Ophthalmic technician: definition; scope of practice
- 13:33-1.19 Renewal of registration certificates
- 13:33-1.20 Replacement certificates of registration
- 13:33-1.21 (Reserved)
- 13:33-1.22 Failure to apply for licensure within two years of examination; reexamination required
- 13:33-1.23 Change of name
- 13:33-1.24 Application for examination
- 13:33-1.25 (Reserved)
- 13:33-1.26 Minimum age for ophthalmic dispenser's apprentice certificate
- 13:33-1.27 Minimum age for ophthalmic technician's apprentice certificate
- 13:33-1.28 Mailing completed eyewear
- 13:33-1.29 Record of prescriptions filled
- 13:33-1.30 Compliance with rules and regulations
- 13:33-1.31 Preparation of apprentice ophthalmic technicians for examination
- 13:33-1.32 Preparation of apprentice ophthalmic dispensers for examination
- 13:33-1.33 Display of certificate of registration
- 13:33-1.34 (Reserved)
- 13:33-1.35 Advertising
- 13:33-1.36 Space rental agreements with other health care practitioners
- 13:33-1.37 Prohibition on rebates and commissions for referring patients
- 13:33-1.38 Minimum standards and tolerances
- 13:33-1.39 Permits; registration
- 13:33-1.40 Full calendar year; week
- 13:33-1.41 Fee schedule
- 13:33-1.42 Identification tags
- 13:33-1.43 Continuing education requirements

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
- 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

SUBCHAPTER 3. DISPENSING OF CONTACT LENSES

- 13:33-3.1 Dispensing of contact lenses
- 13:33-3.2 Continuing education for dispensing of contact lenses

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 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;

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.

13:33-1.37 Prohibition on rebates and commissions for referring patients—

(a) An ophthalmic dispenser or ophthalmic technician may recommend an ophthalmologist or optometrist to patients.

(b) It shall be unlawful for any ophthalmic dispenser or ophthalmic technician or employee or agent thereof or any other person on their behalf to offer to pay a rebate or commission in any form whatsoever to, or receive a rebate or commission from, any physician, optometrist, or any other person in return for referring patients to anyone licensed under N.J.S.A. 52:17B-41.1 et seq.

New Rule, R.2000 d.146, effective April 3, 2000.
See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

13:33-1.38 Minimum standards and tolerances

(a) Every prepared pair of lenses, spectacles, eyeglasses or appurtenances thereto dispensed to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their profession, or duplication, replacement, reproduction or repetitions, must conform to the following minimum standards and tolerances:

Physical Quality and Appearance	Tolerance
1. Surface imperfections	No pits, scratches (other than hairline), grayness or watermarks shall be acceptable.
2. Glass defects	No bubbles, striae and inclusions shall be acceptable.
3. Localized power errors	Waves found by visual inspection shall be passable if no deterioration in image quality is found when the localized area is examined with a standard lens measuring instrument.
4. Refractive powers	0.0 to 6.00 + or - 0.12. 6.25 to 12.00 2 percent of power.
5. Refractive power addition	Above 12.00 + or - 0.25.
6. Cylinder Axis	Maximum cylinder power variation + or - 0.12. + or - 0.12.0.
7. Prism power and location of specified optical center	0.12 to 0.37 + or - 3 degrees. 0.50 to 1.00 + or - 2 degrees. 1.12 on up + or - 1 degree. Vertical + or - 0.25 prism for each lense or a total of 1/2 prism imbalance. Horizontal + or - 0.25 prism for each lens or a total of 0.50 prism diopter imbalance; if prism exceeds .50 prism diopter, the optical centers must be within 2 mm. If prism is less than .50 prism diopter, the optical centers must be within 4 mm.
8. Segment size	+ or - 0.5 mm. Pair must be symmetrical upon visual inspection.
9. Segment location	As specified within + or - 0.5 mm.
10. Lens size:	
i. Rimless	+ or - 0.5 mm;
ii. Bevel, for plastic frames	+ or - 0.5 mm;

Physical Quality and Appearance**Tolerance**

- | | |
|---|---|
| iii. Bevel, for metal frames | To fit standard specified frame. Lens shape must match. Edges must be smooth and straight and sharp edge must be removed. |
| 11. Heat-treated and chemically-treated industrial safety eyewear | Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80.1-1972 and subsequent revisions. |
| 12. Heat-treated and chemically-treated dress eyewear | Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80.1-1972 and subsequent revisions. |
| 13. Frame selection and fit | Frame shall be selected for the requirements of the prescription and facial contour. Bridge size should fit the nose within 2 mm of its width with flair, and temple length must fit within 5 mm. |

(b) In order to insure the proper fabrication of lenses and eyewear, the following information must be obtained from the refractionist:

1. Complete prescription, including sphere, cylinder, axis, prism/base and add;
2. The ophthalmic dispenser must measure and/or specify the following:
 - i. Eye size, bridge size, temple length, frame shape and style, patient pupillary distance, optical centers and, if applicable, bifocal type, segment height and base curve;
3. Upon completion of the fabrication of such corrective lenses and prior to dispensing within the State of New Jersey, the lenses or finished eyeglasses shall be verified to insure the accuracy of the prescription, the sphere, cylinder, axis, prism/base, add, patient pupillary distance, segment height, frame size, eye size, bridge size and temple length. In addition, the eyewear must be adjusted for fit and verified for compliance with the standards, set forth in (a) above.

R.1974 d.262, effective September 23, 1974.
See: 5 N.J.R. 388(b), 6 N.J.R. 411(a).
As amended, R.1983 d.81, effective March 21, 1983.
See: 14 N.J.R. 1085(a), 15 N.J.R. 447(b).
Added 13 to (a) and added (b).
Amended by R.1985 d.113, effective March 18, 1985.
See: 16 N.J.R. 3288(b), 17 N.J.R. 710(a).
(a)7. added text: "if prism exceeds . . . be within 4 mm".

13:33-1.39 Permits: registration

(a) Any employer, before he permits a new employee to start work as a temporary ophthalmic dispenser, temporary ophthalmic technician, ophthalmic dispenser apprentice, or

ophthalmic technician apprentice is responsible for registering said employee under the applicable permit.

(b) "Registration" means filing a notarized application with the Board for any temporary ophthalmic dispenser, temporary ophthalmic technician, ophthalmic dispenser apprentice, or ophthalmic technician apprentice that works in an ophthalmic establishment and receipt by the applicant of a permit or letter of permission to work from the Board.

(c) The employer shall conspicuously post in all optical establishments a sign, which shall be supplied by the Board, stating that the employer is responsible for the registration of all employees.

R.1974 d.66, effective March 14, 1974.
 See: 5 N.J.R. 388(b), 6 N.J.R. 153(a).
 As amended, R.1983 d.15, effective February 7, 1983.
 See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).
 Deleted limited technician apprentice.
 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 (b).

13:33-1.40 Full calendar year; week

A full calendar year shall consist of 12 months of compensated employment. A working week shall consist of no less than 32 hours.

R.1974 d.66, effective March 14, 1974.
 See: 5 N.J.R. 388(b), 6 N.J.R. 153(a).

13:33-1.41 Fee schedule

(a) The following fees shall be charged by the Board effective upon promulgation.

1. Application fee \$100.00
2. Examination:
 - i. Ophthalmic Dispenser 75.00
 - ii. Ophthalmic Technician 50.00
 - iii. Qualifying Technical 50.00
3. Initial license fee:
 - i. Ophthalmic Dispenser:
 - (1) During the first year of a biennial renewal period 230.00
 - (2) During the second year of a biennial renewal period 115.00
 - ii. Ophthalmic Technician:
 - (1) During the first year of a biennial renewal period 175.00
 - (2) During the second year of a biennial renewal period 87.50
 - iii. Branch Office Ophthalmic Dispenser:
 - (1) During the first year of a biennial renewal period 165.00
 - (2) During the second year of a biennial renewal period 82.50
 - iv. Branch Office Ophthalmic Technician:
 - (1) During the first year of a biennial renewal period 110.00
 - (2) During the second year of a biennial renewal period 55.00
4. Biennial renewal:
 - i. Ophthalmic Dispenser 230.00
 - ii. Ophthalmic Technician 175.00
 - iii. Branch Office Ophthalmic Dispenser 165.00

- iv. Branch Office Ophthalmic Technician 110.00
5. Permits and permit renewals:
 - i. Temporary 50.00
 - ii. Apprentice Dispenser 50.00
 - iii. Apprentice Technician 50.00
6. Late renewal of license or permit 100.00
7. Late application for licensure 100.00
8. Replacement certificate of registration:
 - i. License 50.00
 - ii. Branch Office License 50.00
 - iii. Permit 30.00
9. Continuing education sponsor fee (biennial) 100.00

R.1974 d.309, effective January 1, 1975.
 See: 6 N.J.R. 390(e).
 Amended by R.1981 d.148, effective June 4, 1981.
 See: 12 N.J.R. 546(a), 13 N.J.R. 366(b).
 (a)1i: "dispensing" was "dispenser"; (a)1ii: "technicianry" was "technician"; (a)1iii added.
 Same changes for (a)2.
 Amended by R.1984 d.112, effective April 2, 1984.
 See: 16 N.J.R. 215(a), 16 N.J.R. 738(b).
 Allows Board to operate without financial loss.
 Amended by R.1988 d.66, effective February 1, 1988.
 See: 19 N.J.R. 2242(a), 20 N.J.R. 295(b).
 Fees were raised.
 Amended by R.1992 d.103, effective March 2, 1992.
 See: 23 N.J.R. 3631(a), 24 N.J.R. 852(c).
 Amended text.
 Amended by R.1993 d.173, effective April 19, 1993.
 See: 25 N.J.R. 57(b), 25 N.J.R. 1771(c).
 Added new (a)9.

13:33-1.42 Identification tags

Each licensee and permit holder shall wear an identification tag, which shall be clearly visible to the patient at all times. The tag shall bear the first name or initial, the full second name, the license or permit number, and the level of licensure. The letters on the tag shall be in type not smaller than 1/4 inch.

R.1979 d.69, effective February 15, 1979.
 See: 10 N.J.R. 503(b), 11 N.J.R. 146(c).
 Amended by R.1983 d.15, effective February 7, 1983.
 See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).
 Added registration number must be on tag.
 Amended by R.1984 d.534, effective November 19, 1984.
 See: 16 N.J.R. 2062(a), 16 N.J.R. 3207(a).
 (a)6: "Biennial" deleted.
 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.

13:33-1.43 Continuing education requirements

(a) An ophthalmic dispenser shall indicate on the license renewal form that he or she has completed the continuing education requirements as outlined in (b) below. Ophthalmic dispensers applying for their first biennial renewal are exempt from this mandatory continuing education requirement.

(b) Each ophthalmic dispenser licensed by the Board shall successfully complete 12 credits per biennial period of approved continuing education course work, of which three such credits shall be in the dispensing of contact lenses in compliance with N.J.A.C. 13:33-3.2. One credit shall equal one hour of attendance at an approved course. Two credits may be carried over into a succeeding biennial period only if earned during the last six months of the preceding biennial period.

(c) The ophthalmic dispenser shall maintain sponsor verifications that he or she has completed the continuing education courses as part of his or her records for a period of four years. Falsification of sponsor verifications may result in an appearance before the Board, penalties and/or disciplinary action. The Board may request a review of an ophthalmic dispenser's continuing education records at any time. Any ophthalmic dispenser who is unable to verify that he or she has completed the continuing education requirements shall be subject to disciplinary action.

(d) The Board may waive the requirements of this section on an individual basis in cases of certified illness or undue hardship.

(e) The Board shall approve only such continuing educational programs as are available on a reasonable nondiscriminatory basis to all persons practicing ophthalmic dispensing in the State. The Board shall maintain a list of all approved courses and lecturers at the Board offices and shall furnish this information to licensees upon request. Courses to be approved for the continuing education requirement shall be in areas of ophthalmic science, study related to the human eye and its care, or such other areas of opticianry education as the Board shall designate. Speakers, lecturers and others participating in the presentation of programs shall be recognized as possessing requisite qualifications and being of recognized repute in their area of instruction.

(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 12 credits of approved continuing education course work, three of which shall be in the dispensing of contact lenses, 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).
Amended by R.2001 d.95, effective March 19, 2001.
See: 32 N.J.R. 1286(a), 33 N.J.R. 1010(b).
Rewrote (a) through (c) and (g).

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 the following optical equipment:

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, such as a 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;
5. One frame heater;
6. One automatic edger and hand finishing stone;
7. A minimum of 250 assorted frames and mountings; and
8. If the establishment fabricates glass lenses on the premises, lens hardening equipment and a drop ball tester.

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.2000 d.146, effective April 3, 2000.
See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

In (a), rewrote the introductory paragraph and 7, deleted "or similar instrument, lens hardening equipment, drop ball tester" at the end of 4, and added 8.

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

es and no apprentices are registered, shall be equipped with the following optical equipment:

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, such as a lensometer, vertometer, or any other automatic electronic equipment to measure the power of a lens and lens clock
3. One colmascope;
4. One frame heater;
5. One hand finishing stone; and
6. A minimum of 250 assorted frames and mountings.

(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).

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

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

In (a), substituted "the following optical equipment" for "a minimum of the optical equipment as follows" at the end of the introductory paragraph, deleted "or similar instrument" at the end of 3, and rewrote 6.

SUBCHAPTER 3. DISPENSING OF CONTACT LENSES

Authority

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

Source and Effective Date

R.2001 d.95, effective March 19, 2001.
See: 32 N.J.R. 1286(a), 33 N.J.R. 1010(b).

13:33-3.1 Dispensing of contact lenses

(a) An ophthalmic dispenser may dispense contact lenses directly to a patient upon presentation of a valid contact lens prescription written by a licensed optometrist or physician. The prescription shall contain the name, address and phone number of the prescriber.

(b) An ophthalmic dispenser may only replace, reproduce or duplicate a previously dispensed contact lens based upon a prescription or the specifications of record, which are the specific characteristics of the contact lens taken from the prescription.

(c) Contact lenses shall be dispensed upon the following conditions:

1. Dispensing shall only be performed by a licensed ophthalmic dispenser. Under no circumstances may dispensing be delegated to an unlicensed person.
2. Any contact lenses dispensed shall be in exact conformity with the prescription presented and shall be dispensed only to the person named on the prescription. The licensed ophthalmic dispenser shall not alter or substitute the lenses prescribed.
3. A licensed ophthalmic dispenser who dispenses contact lenses shall provide the following information to the patient whenever contact lenses are dispensed:

WARNING: IF YOU ARE HAVING ANY UNEXPLAINED EYE DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS, REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN.

4. Under no circumstances shall contact lenses be dispensed after the expiration date stated on the prescription or, if there is no expiration date, more than two years after the date that the prescription was originally written.
5. A licensed ophthalmic dispenser shall not dispense to a patient contact lenses when the seals on the contact lens container have been opened.

(d) Concurrent with the dispensing of contact lenses, an individual patient record shall be created and be maintained for a period of seven years from the date of the last entry in the record, and shall contain the following information:

1. A copy of any prescriptions for which contact lenses are dispensed;
2. The patient's name, address and telephone number;
3. The date on which the contact lenses were dispensed; and
4. The identity and initials of the licensed ophthalmic dispenser who dispensed the contact lenses.

(e) A licensed ophthalmic dispenser may mail contact lenses to a patient pursuant to a valid prescription provided:

1. The ophthalmic dispenser maintains a record of the prescribing eye doctor's name, address and telephone number and an original, or copy of the, patient's prescription or lens specifications, which includes the following information:
 - i. The name of the manufacturer;
 - ii. The brand name;
 - iii. The lens power;
 - iv. The base curve;

v. The diameter; and

2. The prescription has not expired pursuant to an expiration date stated by the prescribing eye doctor and the prescription or specifications of record are not more than two years old.

(f) A licensee who dispenses contact lenses without satisfying the conditions and limitations prescribed by this section shall be deemed to have engaged in professional misconduct.

13:33-3.2 Continuing education for dispensing of contact lenses

(a) During each biennial registration period, a licensed ophthalmic dispenser shall complete pursuant to N.J.A.C.

13:33-1.43, a continuing education course of at least three classroom hours covering the dispensing of contact lenses. Such course shall include, at a minimum, instruction in the following areas related to contact lenses:

1. Analysis and interpretation of prescriptions and specifications for contact lenses;
2. Preparation of orders, fabrication of contact lenses, lens care and maintenance and use of lens containers and solutions;
3. Instruction of patients in the proper insertion, removal and use of contact lenses; and
4. Innovative techniques in contact lenses and their dispensing.