

CHAPTER 33

**STATE BOARD OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS**

Authority

N.J.S.A. 45:1-15 and 52:17B-41.13.

Source and Effective Date

R.2011 d.074, effective February 1, 2011.
See: 42 N.J.R. 1994(b), 43 N.J.R. 642(a).

Chapter Expiration Date

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, expires on February 1, 2016.

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Subchapter 3, Uniform Penalty Letter, was repealed by administrative change.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Subchapter 4, Contact Lenses, was repealed by R.1997 d.330, effective August 4, 1997.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: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).

Subchapter 3, Dispensing of Contact Lenses, was adopted by R.2001 d.95, effective March 19, 2001. See: 32 N.J.R. 1286(a), 33 N.J.R. 1010(b).

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.2005 d.305, effective August 11, 2005. As a part of R.2005 d.305, Subchapter 7, Advertising, was adopted as new rules, effective September 6, 2005. See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Chapter 33, State Board of Ophthalmic Dispensers and Ophthalmic Technicians, was readopted as R.2011 d.074, effective February 1, 2011. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. APPRENTICESHIPS

13:33-1.1 Minimum age for ophthalmic dispenser's apprentice certificate

Applicants for an ophthalmic dispenser's apprentice certificate shall be at least 17 years old.

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.

Recodified from N.J.A.C. 13:33-1.26 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.1 recodified as N.J.A.C. 13:35-1.3.

13:33-1.2 Minimum age for ophthalmic technician's apprentice certificate

Applicants for an ophthalmic technician's apprentice certificate shall be at least 16 years old.

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.

Recodified from N.J.A.C. 13:33-1.27 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.2 recodified as N.J.A.C. 13:35-1.4.

13:33-1.3 Ophthalmic dispenser apprentice certificate

An ophthalmic dispenser apprentice certificate shall expire four 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.

Recodified from N.J.A.C. 13:35-1.1 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

Former N.J.A.C. 13:33-1.3 recodified as N.J.A.C. 13:33-1.5 and amended.

Amended by R.2011 d.074, effective March 7, 2011.

See: 42 N.J.R. 1994(b), 43 N.J.R. 642(a)

Substituted "four" for "three".

13:33-1.4 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.

Recodified from N.J.A.C. 13:33-1.2 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).

13:33-1.5 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 in the laboratory or dispensing area with the apprentice at all times during which the apprentice 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. 13:33-3.5, including 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; and
 - vi. Frames: mountings, sizes, measurements and types of temples; and
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;