

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.

(b) Notwithstanding (a) above, an apprentice may work at an optical establishment where the optical equipment required by (a) above is not in operating order if:

1. The establishment notifies the Board in writing that the equipment is inoperable within two days of the equipment becoming inoperable; and
2. A service visit to fix the equipment has been scheduled.

(c) Apprentices shall not work in a facility that does not have the equipment required by (a) above.

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.

Recodified from N.J.A.C. 13:33-2.1 by R.2005 d.305, effective September 6, 2005.

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

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

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

In the introductory paragraph of (a), inserted "in operating order"; and added (b) and (c).

13:33-3.6 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, shall be equipped with the following optical equipment in operating order:

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, in a font that is at least 14-point, "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. Recodified from N.J.A.C. 13:33-2.2 by R.2005 d.305, effective September 6, 2005.

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

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

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

In the introductory paragraph of (a), deleted "and no apprentices are registered" following "premises", and inserted "in operating order"; and in (b), inserted "in a font that is at least 14-point,".

SUBCHAPTER 4. DISPENSING OF CONTACT LENSES

13:33-4.1 Dispensing of contact lenses

(a) An ophthalmic dispenser may dispense contact lenses 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. 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 four 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.

(g) Ophthalmic dispensers shall complete a minimum of three classroom hours of continuing education covering the dispensing of contact lenses pursuant to N.J.A.C. 13:33-6.2 every biennial period.

New Rule, R.2001 d.95, effective March 19, 2001.

See: 32 N.J.R. 1286(a), 33 N.J.R. 1010(b).

Recodified from N.J.A.C. 13:33-3.1 and amended by R.2005 d.305, effective September 6, 2005.

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

Added (g).

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

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

In (a), deleted "directly to a patient" following "lenses"; rewrote (c)2; in the introductory paragraph of (d), substituted "four" for "seven"; and in (g), inserted "a minimum of".

SUBCHAPTER 5. PRACTICE STANDARDS

13:33-5.1 Record of prescriptions filled

(a) Each person licensed as an ophthalmic dispenser shall maintain for a period of at least six years at a New Jersey establishment the following records:

1. All original prescriptions, or copies of prescriptions, which the licensee or licensee's apprentices fill;
2. All data required in the preparation and dispensing of eyeglasses:
 - i. Frames, such as eye size, bridge size and temple length; and
 - ii. Lenses, such as sphere, cylinder, axis, prism base, add, patient pupillary distance (P.D.), eyeglass pupillary distance (P.S.) and height of segment (Seg) if multifocal, base curve, frame size, eye size, bridge size and temple length;
3. All information required in dispensing of contact lenses;
4. Identification, by means of name or initials, of individuals involved in interpreting and measuring, duplicating, fabricating, verifying and fitting and adjusting all eyeglasses, frames and lenses fabricated and dispensed; and
5. Written confirmation that the licensed dispenser or licensed technician has verified the lenses.

(b) In order to fabricate, verify, and/or duplicate a lens or a pair of eyeglasses, the following information shall be obtained or checked:

1. Sphere, cylinder, axis, prism, base, add, patient pupillary distance, eyeglass pupillary distance, height of segment, base curve, frame size, eye size, bridge size, and temple length.

(c) To obtain the information outlined in (b) above, the following equipment shall be utilized:

1. Lensometer, vertometer, or any other automatic electronic equipment to measure the power of a lens, a lens clock and a millimeter ruler.

2. Any person using the equipment listed in (c)1 above to obtain information for the purpose of fabricating, dispensing, verifying, or duplicating a lens or pair of eyeglasses shall be deemed to be practicing Ophthalmic Dispensing and Ophthalmic Technicianry.

(d) If a patient requests that a licensed ophthalmic dispenser release an original prescription, the licensed ophthalmic dispenser shall release to the patient, without charge, the original prescription maintained as part of the licensed ophthalmic dispenser's records pursuant to (a) above. A licensed ophthalmic dispenser who releases an original prescription shall make a copy of the prescription and maintain this as part of his or her records.

As amended, R.1978 d.9, effective January 13, 1978.
See: 9 N.J.R. 538(c), 10 N.J.R. 72(b).
As amended, R.1984 d.22, effective February 6, 1984.
See: 15 N.J.R. 1832(a), 16 N.J.R. 248(c).

Substantially amended (a) and added new (b)-(c).
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 (a); and in (c)2, substituted "or" for "and/or" following "verifying,".
Recodified from N.J.A.C. 13:33-1.29 by R.2005 d.305, effective September 6, 2005.

See: 37 N.J.R. 938(a), 37 N.J.R. 3437(a).
Amended by R.2008 d.59, effective March 17, 2008.
See: 39 N.J.R. 2197(a), 40 N.J.R. 1672(a).

In (a)1, inserted "original" and ", or copies of prescriptions,"; and added (d).

13:33-5.2 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 hair-line), 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 if 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. Above 12.00 + or - 0.25. Maximum cylinder power variation + or - 0.12.
5. Refractive power addition	+ or - 0.12.0.

Physical Quality and Appearance	Tolerance
6. Cylinder Axis	0.12 to 0.37 + or - 3 degrees. 0.50 to 1.00 + or - 2 degrees. 1.12 on up + or - 1 degree.
7. Prism power and location of specified optical center	Vertical + or - 0.25 prism for each lense or a total of 1/3 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;
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 Z87.1-1972 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, cylin-

der, 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".

Recodified from N.J.A.C. 13:33-1.38 by R.2005 d.305, effective September 6, 2005.

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

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

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

In the "Tolerance" column for entry 11 of the table in (a), substituted "Z87.1-1972" for "Z80.1-1972".

13:33-5.3 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 ¼ 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.

Recodified from N.J.A.C. 13:33-1.42 by R.2005 d.305, effective September 6, 2005.

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

13:33-5.4 Compliance with rules and regulations

(a) The employers of all ophthalmic dispensers, ophthalmic technicians, apprentices and persons working under temporary permits, shall be responsible to ensure that all relevant statutes and rules are observed and complied with in their establishments.

(b) It shall be the responsibility of the employer to ensure that each new employee secures authorization to work from the board, in the form of a permit, branch office license or transfer of licenses, before starting employment.

(c) It shall be the responsibility of the employer to see that all certificates of employees are displayed according to law.

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 (a); and deleted a former (d).

Recodified from N.J.A.C. 13:33-1.30 by R.2005 d.305, effective September 6, 2005.

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

13:33-5.5 Ophthalmic dispenser: definition; scope of practice

(a) A licensed ophthalmic dispenser may prepare and dispense to the intended wearer lenses, spectacles, eyeglasses, appurtenances thereto, or contact lenses only if those preparations are based on a written prescription from a licensed physician or licensed optometrist. A licensed ophthalmic dispenser may also duplicate or replace existing lenses, spectacles, eyeglasses, appurtenances, or contact lenses.

(b) The following functions are within the scope of practice of a licensed ophthalmic dispenser:

1. Those activities performed by licensed ophthalmic technicians as set forth in N.J.A.C. 13:33-5.6(b);

2. The determination that the lenses, spectacles, eyeglasses or contact lenses prepared and dispensed comport with the prescription that corrects the patient's visual anomaly;

3. The analysis and interpretation of prescriptions and lens design;

4. The taking of interpupillary distances and placement measurements of all lenses;

5. The selection and measurement of frames for facial contour: eye size, bridge size, temple length, frame shape, and frame style;

6. The fitting, adjusting, or adapting of eyewear to the face and eyes;

7. The dispensing of contact lenses pursuant to N.J.A.C. 13:33-4.1;

8. The mailing of completed eyeglasses pursuant to N.J.A.C. 13:33-5.7; and

9. The mailing of contact lenses pursuant to N.J.A.C. 13:33-4.1.

Amended by R.1983 d.15, effective February 7, 1983.

See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).

Repealed ophthalmic dispenser defined.

New Rule, R.2001 d.96, effective March 19, 2001.

See: 32 N.J.R. 1283(a), 33 N.J.R. 1009(a).

Recodified from N.J.A.C. 13:33-1.17 and amended by R.2005 d.305, effective September 6, 2005.

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

In (a), inserted "may" in the first and second sentences, in (b)4 deleted "(distance and near)" following "distances," and updated the N.J.A.C. references throughout.

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

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

In (b)4, deleted "bifocal, trifocal, and progressive" preceding "placement", and inserted "of all lenses".