

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Subchapter 3, Uniform Penalty Letter, was repealed by administrative change.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Subchapter 4, Contact Lenses, was repealed by R.1997 d.330, effective August 4, 1997.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.

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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.

(c) If the ophthalmic dispenser apprentice fails the qualifying technical examination, he or she shall no longer serve the public by dispensing, measuring or fitting prescriptive eyewear. An ophthalmic dispenser apprentice who has failed the qualifying technical examination shall not accumulate time towards the three-year apprenticeship requirement until the apprentice passes the qualifying technical examination. If the ophthalmic dispenser apprentice is unsuccessful in passing three consecutive examinations, the apprentice shall surrender the apprentice permit. In the event that the ophthalmic dispenser apprentice 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.

(d) An individual who has failed the Qualifying Technical examination three times may take the Ophthalmic Technician Licensing examination. If the individual passes the Ophthalmic Technician Licensing examination, he or she shall be reinstated in the Ophthalmic Dispensing Apprenticeship. The individual may take the Ophthalmic Technician Licensing examination three times.

(e) During the 36 months of the apprenticeship, the ophthalmic dispenser apprentice shall complete at least 30 hours of course work in ophthalmic science from a school accredited by the Commission on Opticianry Accreditation. The 30 credits shall 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. Apprentices shall obtain a grade of either a "C," or better, or a numerical grade of 70, or better, in all required optical science courses.

(f) At the completion of the 36-month apprenticeship, the ophthalmic dispenser apprentice shall apply for the first scheduled ophthalmic dispenser licensing examination. 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.

(g) If the ophthalmic dispenser apprentice fails three consecutive ophthalmic dispenser licensing examinations, the apprentice dispenser shall return the dispenser permit to the Board. An ophthalmic dispenser apprentice who has returned his or her permit to the Board may retake the ophthalmic dispensing licensing examination provided that the last year of experience as an apprentice dispenser was acquired within the past two years.

(h) In the event that the ophthalmic dispenser apprentice 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.

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

Deleted old text and added new text.
Amended by R.1987 d.323, effective August 3, 1987.
See: 19 N.J.R. 917(a), 19 N.J.R. 1455(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).
Rewrote the section.

13:33-1.14 Ophthalmic technician apprentice; licensing examination

(a) An ophthalmic technician apprentice who has served as an apprentice for at least one calendar year of full-time employment shall apply for the first examination after the completion of the one year of full-time employment.

(b) 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.

(c) If the ophthalmic technician apprentice is unsuccessful in passing three consecutive examinations, the apprentice shall return the apprentice technician permit to the Board. An ophthalmic technician apprentice who has returned his or her permit to the Board may retake the ophthalmic technician licensing examination provided that the last year of experience as an apprentice technician was acquired within the past two years.

(d) In the event that the ophthalmic technician apprentice meets the requirements to sit for examination and neither applies for, appears at, or is excused from said examination, an automatic failure shall be imposed.

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

Former N.J.A.C. 13:33-1.14, Military Service, recodified to N.J.A.C. 13:33-1.16.

13:33-1.15 Review of examination

(a) An applicant who has failed the qualifying technical examination, the Ophthalmic Dispenser licensing examination or the Ophthalmic Technician licensing examination may apply to the Board for a review of his or her examination. The application shall be submitted, in writing, to the Executive Director of the Board within one month following notification of examination results.

(b) The Executive Director shall arrange a date for the applicant to review the deficiencies on his or her performance on the Board-generated portions of the examination with an examiner in the Board office. The Board-generated portions of the Qualifying Technical examination and the Ophthalmic Technician Licensing examination are the neutralizing and shop portions. The Board-generated portions of the Ophthalmic Dispenser Licensing examination are the neutralizing, shop and dispensing sections.

(c) The Executive Director shall arrange for the testing service to forward to the applicant a summary of the written

portion of the examination detailing the applicant's area of weakness.

(d) In the event an apprentice ophthalmic dispenser or technician fails the licensing examination for the second time, the apprentice shall obtain the Board's written approval of the preceptor under whose immediate supervision the apprentice intends to continue his or her apprenticeship.

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

13:33-1.16 Military service

Any licensee who is engaged in active duty in the military service of this country shall be required to renew his or her license to keep it in force, but shall not be required to pay the renewal fee for any year during which he or she is in the service. Notwithstanding a licensee's engagement in active duty, a licensee shall be required to meet all continuing education requirements within 12 months of returning to practice.

Amended by R.1995 d.192, effective April 3, 1995.
See: 27 N.J.R. 298(a), 27 N.J.R. 1428(a).
Recodified from N.J.A.C. 13:33-1.14 and amended by R.2000 d.146, effective April 3, 2000.
See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).
Substituted "within 12 months of" for "prior to" following "requirements" in the last sentence.

13:33-1.17 (Reserved)

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.

13:33-1.18 (Reserved)

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 technician defined.

13:33-1.19 Renewal of registration certificates

All ophthalmic dispenser, ophthalmic technician and branch office registration certificates shall be renewed biennially. Renewals shall be returned to the Board on or before December 31, subject to the provisions of N.J.S.A. 52:17B-41.12. If the renewal is returned after the December 31 deadline, the renewal shall include a late fee pursuant to N.J.A.C. 13:33-1.41.

Amended by R.1983 d.15, effective February 7, 1983.
See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).
Changed renewal of certificates from yearly to biennially.
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.

13:33-1.20 Replacement certificates of registration

If a licensee's certificate of registration has been lost or destroyed, the licensee may request that the Board provide a replacement certificate of registration. Such request shall be in writing, include the certificate replacement fee pursuant to N.J.A.C. 13:33-1.41 and the licensee shall certify on a Board-provided form that the certificate has been lost or destroyed and has not been given to another person.

Amended by R.1992 d.103, effective March 2, 1992.
See: 23 N.J.R. 3631(a), 24 N.J.R. 852(c).
Revised section.
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.

13:33-1.21—(Reserved)

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.
Repealed by R.2000 d.146, effective April 3, 2000.
See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).
Section was "Renewal of licenses; deadline".

13:33-1.22 Failure to apply for licensure within two years of examination; reexamination required

If an applicant who has passed a licensing examination fails to apply for a license within two years of passing the examination, the applicant shall be required to retake the examination before applying for a license.

Amended by R.1992 d.103, effective March 2, 1992.
See: 23 N.J.R. 3631(a), 24 N.J.R. 852(c).
Revised text.
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 the section.

13:33-1.23 Change of name

(a) The Board shall issue a new registration certificate to any licensee whose name has been legally changed, upon receipt of:

1. Notarized copies of documentary evidence of a legal name change;
2. The return of the original certificate; and
3. The certificate replacement fee set forth in N.J.A.C. 13:33-1.41.

Amended by R.1992 d.103, effective March 2, 1992.
See: 23 N.J.R. 3631(a), 24 N.J.R. 852(c).
Revised (a)3.
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 1 through 3.

13:33-1.24 Application for examination

(a) Applications for examination shall be filed with the executive director of the Board at least 30 days prior to the date on which the examination is to be held.

(b) Applications shall include a certification from the preceptor certifying that the applicant has completed, or will complete by the time of examination, one year of apprenticeship for the Qualifying Technical examination and the Ophthalmic Technician licensing examination, and three years of apprenticeship for the Ophthalmic Dispensing licensing examination or four months of apprenticeship for applicants for the Ophthalmic Dispensing licensing examination who have an associates degree.

Amended by R.1979 d.66, effective February 15, 1979.
 See: 10 N.J.R. 503(a), 11 N.J.R. 145(b).
 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 the section.

13:33-1.25— (Reserved)

As amended, R.1983 d.15, eff. February 7, 1983.
 See: 14 N.J.R. 545(a), 15 N.J.R. 157(a).
 Added "employment" to temporary address. Changed permission to use certificate at another address from 12 days to a period up to 12 days.
 Repealed by R.2000 d.146, effective April 3, 2000.
 See: 32 N.J.R. 241(a), 32 N.J.R. 1236(a).
 Section was "Temporary employment address".

13:33-1.26 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.

13:33-1.27 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.

13:33-1.28 (Reserved)

R.1984 d.534, eff. November 19, 1984.
 See: 16 N.J.R. 2062(a), 16 N.J.R. 3207(a).
 This section was formerly "Use of trade or corporate names"

Case Notes

Regulation invalidated. *Cole Nat. Corp. v. State Bd. of Examiners*, 107 N.J. Super. 278, 258 A.2d 136 (App.Div.1969), reversed 57 N.J. 227, 271 A.2d 421 (1970).

13:33-1.29 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 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 multifo-

cal, 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.

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."

13:33-1.30 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).

13:33-1.31 Preparation of apprentice ophthalmic technicians for examination

(a) It shall be the responsibility of preceptors of apprentice ophthalmic technicians to provide instruction to apprentices in the following areas:

1. Reading and transposing of a prescription or order for lenses;
2. Knowledge of and fabrication of lenses. Specifically, grinding, processing, optical and geometrical centers, prisms, measurements, base curves, multifocal and colors (tints) of all types of lenses;
3. Knowledge of frames and mountings, sizes, measurements, and types of temples;
4. Using a vertometer, lensometer, or similar instrument;
5. Neutralizing and identifying a series of single vision and multifocal lenses; and one of the following:
 - i. Marking up and surfacing a pair of single vision or multifocal lenses from a pair of semifinished lens blanks; or
 - ii. Making a complete pair of eyeglasses, given a pair of uncut lenses and a frame or mounting.

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 the section.

13:33-1.32 Preparation of apprentice ophthalmic dispensers for examination

(a) It shall be the responsibility of preceptors of apprentice ophthalmic dispensers to provide instruction to apprentices in the following areas:

1. Reading and transposing prescriptions;
2. Knowledge and fabrication of lenses, specifically types of lenses, optical and geometrical centers, axes, prisms, powers, different types of glass, colors (tints), curves, grinding, neutralizing, transposing, and the purpose and use of lenses;
3. Familiarization with frames and mountings, sizes, measurements, and types of temples;
4. Using a vertometer, lensometer, or similar instrument;
5. Neutralizing and identifying a series of single vision and multifocal lenses; and one of the following:

i. Marking up and surfacing a pair of single vision or multifocal lenses from a pair of semifinished lens blanks; or

ii. Making a complete pair of eyeglasses, given a pair of uncut lenses and a frame or mounting;

6. Knowledge of measurements, pupillary distances and power of lenses;

7. Knowledge of fitting a pair of eyeglasses to a person; and

8. Knowledge of bench work and edge grinding in order to make a complete pair of eyeglasses, given a frame and uncut lenses.

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).

13:33-1.33 Display of certificate of registration

(a) Every holder of a certificate of registration issued by the Board, including renewal certificates and validating certificates, shall display it to the public at the location for which it is issued.

(b) Renewal certificates and validating certificates shall be attached to the original certificate in the lower left-hand corner.

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), deleted "conspicuously" following "shall".

13:33-1.34 (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 prohibited practices.

13:33-1.35 Advertising

(a) An ophthalmic dispenser or ophthalmic technician may advertise; provided that the advertisement does not mislead or deceive the public or discredit others in the eye care field.

(b) Any advertisement, placed on or in newspapers, magazines, radio, television, flyers, on-premise signs, off-premise signs and the Internet which contains the price of corrective lenses, frames, complete corrective eyeglasses or the dispensing of contact lenses shall for each stated price:

1. Specify the type of lenses being offered, such as single vision, bifocal, trifocal, or progressive; whether they have tints or colorations; whether they are standard size or oversize; and of what material the lenses are made.

2. Specify the type of frame and the material from which it is made; and whether the frame advertised has been discontinued by the manufacturer.

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. Above 12.00 + or - 0.25. Maximum cylinder power variation + or - 0.12.
5. Refractive power addition	+ or - 0.12.0.
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 lens 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

- iii. Bevel, for metal frames
- 11. Heat-treated and chemically-treated industrial safety eyewear
- 12. Heat-treated and chemically-treated dress eyewear
- 13. Frame selection and fit

Tolerance

To fit standard specified frame. Lens shape must match. Edges must be smooth and straight and sharp edge must be removed.
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.
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.
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)li: "dispensing" was "dispenser"; (a)lii: "technicianry" was "technician"; (a)liii 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) No biennial renewal of a license for an ophthalmic dispenser shall be issued by the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians for the biennial period commencing January 1, 1994 or any following biennial period unless the ophthalmic dispenser submits satisfactory proof to the Board of participation in approved continuing education courses as specified hereafter. 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 nine credits per biennial period of approved continuing education course work, except that for the biennial period commencing January 1, 1994, five credits of continuing education course work shall be required for the period January 1, 1993 to December 31, 1993. 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) Licensees shall submit to the Board, with the application for biennial license renewal, the sponsors' written verification of attendance. The ophthalmic dispenser shall maintain all sponsor verifications as part of his or her records for a period of three years. Falsification of any information submitted with the renewal application may result in an appearance before the Board, penalties and/or suspension of the license.

(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 nine credits of approved continuing education course work 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).

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), rewrite 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 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.