

**Monday, April 1, 2002**

Rule Adoption  
Law And Public Safety  
Division Of Consumer Affairs

**State Board Of Optometrists**  
Continuing Professional Optometric Education

Adopted New Rule: N.J.A.C. 13:38-7

Proposed: September 4, 2001 at 33 N.J.R. 2947(a).

Adopted: December 19, 2001 by the New Jersey State Board of Optometrists, Leonard Strulowitz, President.

Filed: March 5, 2002 as R.2002 d.105, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30- 6.3).

Authority: N.J.S.A. 45:12-4 and 45:12-9.1 through 9.5.

Effective Date: April 1, 2002.

Expiration Date: September 18, 2005.

**Federal Standards Statement**

A Federal standards analysis is not necessary as there are no Federal standards or requirements which address the subject matter. The Board adopts these rules pursuant to State statutes governing the profession.

Full text of the adoption follows:

**SUBCHAPTER 7. CONTINUING PROFESSIONAL OPTOMETRIC EDUCATION**

**<< NJ ADC 13:38-7.1 >**

13:38-7.1 Active registration renewal; continuing education requirement

Any applicant who applies for an active registration renewal certificate for a biennial period shall confirm on the renewal application that the applicant has completed continuing professional optometric education programs of the types and number of credits specified in N.J.A.C. 13:38-7.3. The Board shall not issue an active registration renewal certificate to any applicant who fails to confirm that the applicant has completed the continuing professional optometric education requirements unless the Board issues the applicant a waiver pursuant to N.J.A.C. 13:38-7.7.

**<< NJ ADC 13:38-7.2 >**

13:38-7.2 Nonactive registration renewal and reactivation of license; continuing education requirement

(a) Any licensee who has a nonactive certificate shall be exempt from the continuing professional optometric education requirements set forth in this subchapter.

(b) Any licensee seeking to reactivate a nonactive certificate shall provide the Board with evidence of having

maintained proficiency by completing the professional optometric education requirements set forth at N.J.A.C. 13:38-7.3(a) during the two calendar years immediately preceding the application for reactivation.

**<< NJ ADC 13:38-7.3 >**

13:38-7.3 Credit hour requirements

(a) An applicant for an active registration renewal certificate shall complete, during the preceding biennial period, a minimum of 50 credits of continuing professional optometric education. At least 25 of the 50 credits shall consist of courses or programs classified as therapeutic pharmaceutical agents (TPA) credits and shall be primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease. The remaining general continuing professional optometric education credits shall be in content areas set forth in N.J.A.C. 13:38-7.4.

(b) An applicant who initially obtains a certificate within the first year of a biennial period shall complete at least 25 of the minimum required credits of continuing professional optometric education. At least 12.5 of the 25 credits shall consist of courses or programs classified as TPA credits and shall be devoted to the subject matter set forth in (a) above.

(c) An applicant who initially obtains a certificate within the second year of a biennial period shall be exempt from completing continuing professional optometric credits for that biennial renewal period.

(d) A licensee who completes more than the required 50 credits in any biennial period may carry up to 20 credits into any succeeding biennial period. Any credits to be carried over shall be earned in the last one year of the biennial renewal period and shall be applied to the continuing professional optometric education requirements and shall not be applied to the TPA requirements.

(e) Any continuing education courses or programs directed or ordered by the Board to be taken by a licensee as all or part of a disciplinary or remedial measure or to remediate a deficiency in continuing professional optometric education credits for a prior biennial renewal period shall not be eligible to fulfill the mandatory continuing professional optometric education requirements for a subsequent biennial renewal period as set forth in this subchapter.

**<< NJ ADC 13:38-7.4 >**

13:38-7.4 Approved course offerings

(a) The Board shall grant continuing professional optometric education credit only for courses or programs that have significant educational or practical content which deal with matters related to the practice of optometry or with the professional responsibilities or ethical obligations of licensees, such as the following:

1. Clinical Optometry: general optometry; contact lenses; ophthalmic lens design; low vision; functional vision; principals of diagnosis; HIV control; infection control;
2. Ocular Disease and Management: treatment and management of ocular disease: anterior segment; treatment and management of ocular disease: posterior segment; glaucoma; refractive surgery management; peri-operative management of ophthalmic surgery;
3. Related Systemic Disease: ocular/systemic disease; pharmacology; and
4. Optometric Practice Management: jurisprudence; practice management; managed care courses or programs related to the practice of optometry, except that estate planning, financial or investment/tax planning, personal health, the selling of ophthalmic materials, or other similar subjects shall not be acceptable for credit.

(b) All courses or programs offered by the following sources and providers shall be deemed to be automatically approved and a licensee may obtain all 50 continuing professional optometric education credits from the following:

1. Post-graduate courses or programs in the professional skills of optometric practice and scientific courses or programs, which are accredited by the United States Department of Education or the Council on Postsecondary Accreditation;
2. Continuing professional optometric education courses or programs that consist of educational and scientific courses, which are approved by the Council on Optometric Practitioner Education (COPE); or
3. A residency, which is a one year post-OD training program at an accredited college of optometry <<+or accredited by the Accreditation Council on Optometric Education (ACOE) of the American Optometric Association+>, or a fellowship, which is a one year post-residency training program at an accredited college of optometry <<+or accredited by the ACOE of the American Optometric Association+> in a specialty area.

(c) Sponsors submitting applications for pre-approval of continuing professional optometric education programs or courses which award three credits or less shall submit to the Board, on a form provided by the Board, no less than 45 days prior to the date the program or course is to be offered. Such courses or programs shall be in compliance with N.J.A.C. 13:38-7.8 and cover topics outlined at (a) above.

(d) The Board shall grant a maximum of 20 of the mandatory 50 continuing professional optometric education credits, including a maximum of 10 of the mandatory 25 TPA credits required, from any or all of the following:

1. Videotape, audiotape, computer media, Internet, journal, or correspondence courses or programs. The course or program shall include an examination at the end of the course or program. Credit for correspondence and other individual study courses or programs will be given only in the renewal period in which the course is completed with a successful final examination. TPA credits may be obtained from participating in any of these courses that are primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease;
2. Structured grand rounds, which is a presentation, with a formal outline of course or program material, of clinical cases involving actual patient encounters and the lecture and discussion of the diagnosis and treatment of the particular patient condition. Non-structured grand rounds that consist of observation of individual patient care shall not be accepted for credit. TPA credits may be obtained from participating in structured grand rounds that are primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease;
3. Hands-on demonstrations of instrumentation when accompanied by didactic lectures. TPA credits may be obtained from participating in hands-on demonstrations of instrumentation that are primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease;
4. Interactive workshops which include demonstrations and applications of hands-on techniques and skills in optometric procedures and instrumentations accompanied by didactic lectures. TPA credits may be obtained from participating in interactive workshops that are primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease;
5. Preparation and presentation of a continuing professional optometric education lecture. TPA credits may be obtained from preparing and presenting continuing professional optometric education lectures that are primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease;
6. Preparation of an educational or scientific article authored and published in a professional refereed journal. TPA credits may be obtained from preparing an educational or scientific article authored and published in a professional refereed journal that is primarily devoted to the diagnosis, treatment and management of ocular disease, ocular pathology or the ocular manifestation of systemic disease; or
7. The Board shall grant a maximum of 10 continuing professional optometric education credits per biennial renewal period for optometric practice management or managed care courses or programs relating to the practice of optometry.

Continuing professional optometric education credit shall not be granted in courses or programs taken in the following subjects: estate planning, financial or investment/tax planning, personal health, the selling of ophthalmic materials, or other similar subjects.

**<< NJ ADC 13:38-7.5 >**

13:38-7.5 Sources of continuing professional optometric education credit and credit-hour calculation

(a) The Board shall grant credit only for continuing professional optometric education courses or programs that are at least one instructional hour long. For purposes of this subchapter, an "instructional hour" represents a 60-minute clock hour with no less than 50 minutes of educational content within the hour. Courses or programs may include one 10-minute break for each instructional hour. Successful completion of an entire course segment of instruction is required in order to receive any continuing professional optometric education credit for that segment.

(b) The Board shall grant a licensee continuing professional optometric education for each biennial period as follows:

1. Attendance at continuing professional optometric education courses or programs: one credit for each hour of attendance;

2. Coursework in a post-graduate educational program related to the profession of optometry: three credits for each course credit awarded;

3. Authoring an educational or scientific article authored and published in a professional refereed journal within the preceding biennial period: three credits per article;

4. Successful completion of videotape, audiotape, computer media, Internet, journal, and correspondence courses or programs: a maximum of two credits per course;

5. Structured grand rounds and hands-on demonstrations of instrumentation: one-half credit for each hour of attendance;

6. Interactive workshops: one credit for each hour of attendance;

7. Preparation and presentation of a continuing professional optometric education lecture course or program: two credits for each hour of a new presentation up to a maximum of twelve credits. For purposes of this paragraph, "new" represents a course or program that the licensee has not taught previously in any educational setting. One credit for each hour of a presentation shall be given for subsequent sessions involving substantially identical subject matter up to a maximum of 12 credits, provided the original material has been updated and subject to the credit limits of N.J.A.C. 13:38-7.4(d); and

8. A residency or a fellowship, as defined in N.J.A.C. 13:38-7.4(b)3: 25 credits, of which 12.5 shall be TPA credits, upon completing each residency or fellowship.

**<< NJ ADC 13:38-7.6 >**

13:38-7.6 Documentation of continuing professional optometric education credit

(a) Each licensee shall maintain a record of all continuing professional optometric education activity completed and shall submit evidence of completion of the credit requirements to the Board upon request. Each licensee shall obtain from the continuing education course or program sponsor and retain for a period of at least four years following the renewal a record of attendance which shall include, at a minimum, the following:

1. The participant's name and New Jersey State Board of Optometrists license number;

2. The title and<<+, if the title does not adequately describe the course content,+> subject matter of the course;

3. The name of the instructor;
4. The course or program sponsor;
5. The date and location of the course or program;
6. The number of continuing education hours and credits awarded;
7. The signature of a course or program official or other verification of successful completion by the course or program sponsor; and
8. The course outline and curriculum vitae for those courses or programs not approved pursuant to N.J.A.C. 13:38-7.4(b) and (c).

(b) A licensee shall verify completion of academic coursework by an official transcript.

(c) A licensee who completes a videotape, audiotape, computer media, Internet, journal, or correspondence course or program shall retain the certification of the successful final examination completed at the end of the course or program.

(d) The Board shall monitor compliance with the mandatory continuing professional optometric education requirement by conducting a random audit of licensees, who, upon request shall provide proof of successful completion of continuing professional optometric education credits.

**<< NJ ADC 13:38-7.7 >**

13:38-7.7 Waiver of continuing professional optometric education requirements

(a) The Board may waive continuing professional optometric education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military, or other good cause.

(b) A licensee who seeks a waiver of the continuing professional optometric education requirements shall provide to the Board, in writing, the specific reasons for requesting the waiver and such additional information as the Board may request in support of the waiver.

**<< NJ ADC 13:38-7.8 >**

13:38-7.8 Responsibilities of continuing education sponsors for courses/programs with three credits or less

(a) A continuing education sponsor seeking pre-approval for a course/ program awarding three credits or less shall provide the Board, in writing on a form provided by the Board, information which demonstrates that the course meets the following requirements:

1. The course or program is offered in a subject matter and in a format permissible pursuant to the provisions of this subchapter;
2. The course or program is at least one instructional hour in length, but not more than three instructional hours in length; and
3. The course or program is conducted by an instructor or discussion leader who submits a curriculum vitae and meets one of the following criteria:
  - i. An optometrist with at least five years of experience in the lecture subject matter;
  - ii. An individual holding an O.D., M.D., Ph.D. or a substantially equivalent international degree who is either board certified or has special expertise in the lecture subject matter; or

iii. A licensed professional who has special expertise in the lecture subject matter.

(b) Applications for pre-approval of continuing professional optometric education courses or programs shall be submitted by the course or program sponsor on the form provided by the Board no less than 45 days prior to the date the course or program is to be offered. Incomplete applications shall be returned to the sponsor and may result in the failure to grant pre-approval of the course or program.

(c) The Board shall not grant post approval to a sponsor for a course or program; however, the Board may grant a licensee, upon audit, continuing professional optometric education credit for courses or programs which have not been pre-approved if the Board determines that the course or program has significant educational or practical content which deal with matters related to the practice of optometry or with the professional responsibilities or ethical obligations of licensees, such as those areas outlined in N.J.A.C. 13:38- 7.4.

(d) The sponsor shall not make substantive changes to an approved course or program, such as a change in course content or instructor, without prior notice to and pre-approval by the Board.

(e) The sponsor shall monitor attendance at each approved course or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. The title, subject matter<<+, if the title does not adequately describe the course content+>, name of instructor, date, and location of course or program;
2. The name and New Jersey State Board of Optometrists license number of each attendee;
3. The number of continuing education hours and credits awarded; and
4. The name of the sponsor and signature of officer or responsible party or other verification of successful completion by the course or program sponsor.

(f) Continuing education courses or programs shall be offered on a nondiscriminatory basis. Membership organizations may discount the cost of attending continuing professional optometric education courses or programs for dues-paying members provided the fee differential complies with N.J.S.A. 45:12-9.2.

---