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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

**CONTINUING EDUCATION REQUIREMENTS
DISPENSING OF CONTACT LENSES**

Additions to proposals are indicated by <<+ Text +>>; deletions from proposals are indicated by <<- Text ->>.

Changes in tables are made but not highlighted.

Adopted New Rules: N.J.A.C. 13:33-3.1 and 3.2

Adopted Amendment: N.J.A.C. 13:33-1.43

Proposed: April 17, 2000 at 32 N.J.R. 1286(a).

Adopted: July 12, 2000 by the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, Robert Troast, President.

Filed: February 23, 2001 as R.2001 d.95, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30- 4.3).

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

Effective Date: **March 19, 2001**. Expiration Date: March 10, 2005.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules and amendment are governed by N.J.S.A. 45:1-3.2 and 45:11-50 and are not subject to any Federal requirements or standards.

Full text of the adoption follows:

<< NJ ADC 13:33-1.43 >>

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)-(f) (No change.)

(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.

SUBCHAPTER 3. DISPENSING OF CONTACT LENSES

<< NJ ADC 13:33-3.1 >>

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; <<-and->>

v. The diameter; <<-and<<+>>->>

<<-2. The ophthalmic dispenser maintains a record of the physician's name, address, and phone number and a photocopy of the prescription; and->>

<<-3.->><<+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.

<< NJ ADC 13:33-3.2 >>

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.