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RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF OPTOMETRISTS**

Adopted Amendment: N.J.A.C. 13:38-2.4

Requirements for Issuing Prescriptions and Dispensing Medications

Proposed: August 6, 2012 at 44 N.J.R. 2034(a).

Adopted: December 19, 2012 by the State Board of Optometrists, Mitchell Fink, O.D., President.

Filed: January 28, 2013 as R.2013 d.043, **without change**.

Authority: N.J.S.A. 45:12-1 et seq.

Effective Date: March 4, 2013.

Expiration Date: March 15, 2019.

Summary of Public Comment and Agency Response:

The official comment period ended October 5, 2012. **The Board received no comments.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment is governed by N.J.S.A. 45:12-1 et seq., and is not subject to any Federal requirements or standards. The Fairness to Contact Lens Consumers Act § 4(f), 15 U.S.C. § 7603(f) and the Contact Lens Rule, 16 CFR 315 are not applicable to this adopted amendment because these [page=470] Federal standards apply to cosmetic contact lenses, not medicated contact lenses.

Full text of the adoption follows:

13:38-2.4 Requirements for issuing prescriptions and dispensing of medications

(a)-(c) (No change.)

(d) In addition to the provisions of (a) and (b) above, optometrists certified to prescribe pharmaceutical agents pursuant to the provisions of N.J.A.C. 13:38-4 and N.J.S.A. 45:12-9.8 through 9.13 shall comply with the following:

1. (No change.)

2. The optometrist shall not dispense a prescription as provided for in N.J.S.A. 45:12-1 et seq., in an amount exceeding a 72-hour supply unless the prescription is dispensed at no charge to the patient.

i. Notwithstanding (d)2 above, an optometrist may dispense a pharmaceutical agent, as provided for in N.J.S.A. 45:12-1 et seq., that is delivered to the eye through a contact lens and may dispense such pharmaceutical agent at a charge to the patient.

3. (No change.)

(e)-(k) (No change.)