

**51 N.J.R. 473(a)**

VOLUME 51, ISSUE 7, APRIL 1, 2019

**RULE ADOPTIONS**

**Reporter**

51 N.J.R. 473(a)

*NJ - New Jersey Register > 2019 > APRIL > APRIL 1, 2019 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS*

**Agency**

---

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

**Administrative Code Citation**

---

**Adopted Amendment: N.J.A.C. 13:38-7.3**

**Text**

---

**Continuing Education on Prescription of Hydrocodone or Opioids in General**

Proposed: October 1, 2018, at 50 N.J.R. 2043(a).

Adopted: December 19, 2018, by the State Board of Optometrists, Dr. Mitchell Fink, OD, Chair.

Filed: March 1, 2019, as R.2019 d.030, **without change**.

Authority: N.J.S.A. 45:12-4 and P.L. 2015, c. 65.

Effective Date: April 1, 2019.

Expiration Date: May 1, 2025.

**Summary of Public Comments and Agency Responses:**

The official comment period ended November 30, 2018. The State Board of Optometrists (Board) received two comments from the following:

1. The Medical Society of New Jersey
2. Nemours Children's Health System

1. COMMENT: The Medical Society of New Jersey objected to optometrists' ability to prescribe hydrocodone and requested that the amendment requiring one credit of continuing education on the prescription of hydrocodone or opioids in general be taught by a medical professional who specializes in pain management and addiction.

RESPONSE: The Board thanks the Medical Society of New Jersey for its comment. With respect to the Society's concern regarding optometrists' ability to prescribe hydrocodone, the Board notes that N.J.S.A. 45:12-9.8 and 9.9 permit optometrists to be certified in prescribing pharmaceutical agents. In addition, N.J.A.C. 13:38-4 delineates the requirements an applicant for certification to prescribe therapeutic pharmaceutical agents (TPAs) is to meet. Among these requirements is completion of a program in ocular pharmacology at schools accredited by the U.S. Department of Education and the Council on Postsecondary Accreditation. Required courses include pharmacokinetics; special populations, including pediatrics and geriatrics; and safety issues, adverse drug reactions, and interactions. Each applicant for certification is also required to pass the Treatment and Management of Ocular Disease Examination, or any successive examination, administered by the National Board of Examiners in Optometry. In addition, N.J.A.C. 13:38-7.3 requires at least 30 of the required 50 continuing education credits to be devoted to TPAs for those licensees that are certified to prescribe TPAs.

With respect to the Society's request that a medical professional specializing in pain management and addiction teach the one hour of continuing education on prescribing hydrocodone or opioids, the Board notes that N.J.S.A. 45:12-9.3 does not specify the types of instructors to teach the one hour of continuing education. The Board approves courses or programs pursuant to the standards set forth in N.J.A.C. 13:38-7.4(c) and 7.8. As stated in N.J.A.C. 13:38-7.4(c), the Board reviews the curriculum vitae of instructors to ensure courses are taught by either: 1) optometrists with at least five years of experience in the subject matter on which they will instruct; 2) individuals 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 subject matter on which they will teach; or 3) a licensed professional who has special expertise on the subject matter. A proposed instructor for a course on prescribing hydrocodone or opioids would not be approved if the Board found the individual's expertise or background deficient on the subject matter. The Board automatically considers approved, pursuant to N.J.A.C. 13:38-7.4(b), those programs or courses accredited by the U.S. Department of Education or the Council of Postsecondary Accreditation and educational or scientific courses approved by the Council of Optometric Practitioner Education. While the Board does not approve the

instructors who teach these courses or programs, the Board recognizes that these organizations evaluate the instructors teaching a course or program to ensure that the individual has the appropriate education and experience. As a result, the Board does not deem it necessary to qualify in its rules that the one hour of continuing education credit on prescribing opioids or hydrocodone must be taught by a medical professional who specializes in pain management and addiction.

2. COMMENT: Nemours Children's Health System submitted a comment in support of the proposed rule requiring one hour of continuing education on prescribing hydrocodone or opioids. However, the commenter objects that only one hour is required and expressed concern over the problem of opioid misuse and particular vulnerability of children and adolescents to the dangers of opioids. The commenter believes content should be developed that is relevant to that demographic. The commenter noted that information from the American Academy of Pediatrics should be part of prescriber education on opioids, in particular when they are prescribed to adolescents. In addition, the commenter reaffirms its commitment to children's health and development and encouraged the Board to develop specific content on the risks of opioids to pediatric patients, as well as prescribing strategies for them.

RESPONSE: The Board thanks Nemours Children's Health System for its comment and agrees with the concern over prescribing opioids, particularly to vulnerable populations, such as adolescents. While N.J.S.A. 45:12-9.3 only requires one hour of continuing education on the subject of prescribing hydrocodone or opioids, the Board's overall continuing education requirement, as noted above in the Response to Comment 1, calls for 30 continuing education credits to focus on TPAs for those who are certified to prescribe TPAs. The subject matter covered under these 30 credits includes the treatment and management of ocular disease and pharmacology related to systemic disease. In addition, a licensed optometrist is not prohibited from attending continuing education courses or programs focused on opioids in addition to the one credit.

Moreover, N.J.A.C. 13:38-2.5 addresses prescribing, dispensing, and administering Schedule II controlled dangerous substances (CDS). These rules require a licensed optometrist allowed to prescribe Schedule II CDS to discuss alternative treatments to such drugs with the patient or guardian if the patient is under 18 years old; review the risks of addiction in taking opioids; and establish a pain management agreement with a patient if a third prescription of a Schedule II CDS is required. In regards to patients under age 18, if there are subsequent prescriptions for a Schedule II CDS, a licensed optometrist allowed to prescribe these drugs is required to discuss the risks of addiction and possible alternative treatments before an additional prescription is

administered. While the Board understands the concerns over prescribing opioids in general, and specifically to adolescents, it believes its current rules require its licensees to be properly trained on the subject and include the necessary precautions to follow when its licensees treat adolescents.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments are governed by N.J.S.A. 45:12-4 et seq., and P.L. 2015, c. 65, and are not subject to any Federal standards or requirements.

### **Regulations**

---

**Full text** of the adoption follows:

#### **SUBCHAPTER 7. CONTINUING PROFESSIONAL OPTOMETRIC EDUCATION**

##### **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 30 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, of which 10 of [page=474] the 30 continuing professional optometric education credits shall be in oral TPA. The remaining 20 general continuing professional optometric education credits shall be in content areas set forth in N.J.A.C. 13:38-7.4.

1. Out of the 30 credits required, at minimum, for continuing education on TPAs, one credit shall be in educational programs or topics that concern the prescription of hydrocodone, or the prescription of opioid drugs in general, including responsible prescribing practices, the alternatives to the use of opioids for the management and treatment of pain, and the risks and signs of opioid abuse, addiction, and diversion. This credit shall not be eligible to be carried over as described in (d) below.

i. A licensee may seek a waiver of this one credit consistent with N.J.A.C. 13:38-7.7.

(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 15 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. Of the 15 credits, one credit shall be in educational programs or topics that concern the prescription of hydrocodone, or the prescription of opioid drugs in general, including responsible prescribing practices, the alternatives to the use of opioids for the management and treatment of pain, and the risks and signs of opioid abuse, addiction, and diversion. This credit shall not be eligible to be carried over as described in (d) below.

**(c) - (e)** (No change.)

NEW JERSEY REGISTER

Copyright © 2019 by the New Jersey Office of Administrative Law

---

End of Document