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ISSUE DATE: **DECEMBER 5, 2016**
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 of Medications

Proposed: March 7, 2016, at 48 N.J.R. 374(a).

Adopted: June 15, 2016, by the New Jersey State Board of Optometrists, Dr. Mitchell Fink, OD, Chair.

Filed: November 9, 2016, as R.2016 d.168, **without change**.

Authority: N.J.S.A. 45:12-1 et seq., and P.L. 2015, c. 65

Effective Date: December 5, 2016.

Expiration Date: March 5, 2019.

Summary of Public Comments and Agency Responses:

The official comment period ended May 6, 2016. The Board received one comment on the proposal:

The New Jersey Society of Optometric Physicians (NJSOP) expressed their support for the proposed amendment, noting the deletion of N.J.A.C. 13:38-2.4(f) will alleviate confusion for optometrists and consumers, as well as pharmacists filling a prescription. The NJSOP believes that optometrists' prescriptive authority can be readily identified on the prescription blank with either the "TO" (topical) or "OM" (oral medications) designation and for Controlled Dangerous Substances by the Federal DEA number provided. The NJSOP believes that both pieces of information clearly identify the level of the licensee's prescriptive authority. The proposed change would remove the need for additional descriptive criteria on the prescription blank that were on individual previous versions.

RESPONSE: The Board thanks the NJSOP for their support.

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. Although TPAs are classified by schedule under Federal law, State law determines optometrists' scope of practice, including prescriptive authority.

Full text of the adoption follows:

[page=2623] SUBCHAPTER 2. GENERAL RULES OF OPTOMETRIC PRACTICE

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

(a)-(e) (No change.)

Recodify existing (g) and (h) as (f) and (g) (No change in text.)

(h) All licensees are prohibited from prescribing controlled dangerous substances as outlined in N.J.S.A. 24:21-5, Schedule I, and 24:21-6, Schedule II, except that licensees may prescribe controlled dangerous substances containing hydrocodone, regardless of schedule.

Recodify existing (j) and (k) as (i) and (j) (No change in text.)