

ASSEMBLY, No. 5222

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:
Assemblyman RAJ MUKHERJI
District 33 (Hudson)

SYNOPSIS

Establishes requirements for optometrists to be authorized to administer immunizations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning optometrists, amending R.S.45:12-1, and
2 supplementing chapter 12 of Title 45 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.45:12-1 is amended to read as follows:

8 45:12-1. Optometry is hereby declared to be a profession, and
9 the practice of optometry is defined to be the employment of
10 objective or subjective means, or both, for the examination of the
11 human eye and adnexae for the purposes of ascertaining any
12 departure from the normal, measuring its powers of vision and
13 adapting lenses or prisms for the aid thereof, or the use and
14 prescription of pharmaceutical agents, excluding injections, except
15 for injections to counter anaphylactic reaction **;** and excluding
16 controlled dangerous substances as provided in sections 5 and 6 of
17 P.L.1970, c.226 (C.24:21-5 and C.24:21-6), except as otherwise
18 authorized by section 9 of P.L.1991, c.385 (C.45:12-9.11), for the
19 purposes of treating deficiencies, deformities, diseases, or
20 abnormalities of the human eye and adnexae, including the removal
21 of superficial foreign bodies from the eye and adnexae. The
22 practice of optometry shall include the administration of
23 immunizations by any route or modality, provided that
24 administration of the immunization is consistent with
25 recommendations issued by the Advisory Committee for
26 Immunization Practices in the federal Centers for Disease Control
27 and Prevention and complies with the requirements of section 2 of
28 P.L. , c. (C.) (pending before the Legislature as this bill).

29 An optometrist utilizing pharmaceutical agents for the purposes
30 of treatment of ocular conditions and diseases shall be held to a
31 standard of patient care in the use of such agents commensurate to
32 that of a physician utilizing pharmaceutical agents for treatment
33 purposes.

34 A person shall be deemed to be practicing optometry within the
35 meaning of this chapter who in any way advertises himself as an
36 optometrist, or who shall employ any means for the measurement of
37 the powers of vision or the adaptation of lenses or prisms for the aid
38 thereof, practice, offer or attempt to practice optometry as herein
39 defined, either on his own behalf or as an employee or student of
40 another, whether under the personal supervision of his employer or
41 perceptor or not, or to use testing appliances for the purposes of
42 measurement of the powers of vision or diagnose any ocular
43 deficiency or deformity, visual or muscular anomaly of the human
44 eye and adnexae or prescribe lenses, prisms or ocular exercise for
45 the correction or the relief thereof, or who uses or prescribes

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 pharmaceutical agents for the purposes of diagnosing and treating
2 deficiencies, deformities, diseases or abnormalities of the human
3 eye and adnexae or who holds himself out as qualified to practice
4 optometry.

5 (cf: P.L.2017, c.28, s.16)

6
7 2. (New section) a. (1) Except as provided in paragraph (2) of
8 this subsection, an optometrist shall not administer immunizations
9 except upon certification from the New Jersey State Board of
10 Optometrists that the optometrist has met any training and
11 qualification requirements as are established by the board by rules
12 and regulations adopted pursuant to the “Administrative Procedure
13 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

14 (2) The New Jersey State Board of Optometrists may certify an
15 optometrist to administer immunizations during a public health
16 emergency declared pursuant to the “Emergency Health Powers
17 Act,” P.L.2005, c.222 (C.26:13-1 et seq.), regardless of whether the
18 board has adopted rules and regulations implementing the
19 provisions of P.L. , c. (C.) (pending before the Legislature
20 as this bill).

21 b. (1) An optometrist shall not administer an immunization to
22 any patient who is younger than 18 years of age unless
23 administration of the immunization to the patient is authorized by
24 the patient’s parent or legal guardian.

25 (2) Subject to the provisions of paragraph (1) of this subsection,
26 an optometrist may administer the influenza immunization to any
27 patient who is seven years of age or older, and may administer any
28 immunization to any patient who is 10 years of age or older. An
29 optometrist shall not administer any immunization to a patient who
30 is younger than seven years of age.

31 c. An immunization administered to a patient by an optometrist
32 shall be reported by the optometrist to the New Jersey
33 Immunization Information System established pursuant to section 4
34 of P.L.2004, c.138 (C.26:4-134) for inclusion in the patient’s
35 registry.

36
37 3. The New Jersey State Board of Optometrists shall adopt
38 rules and regulations, pursuant to the “Administrative Procedure
39 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary to
40 implement the provisions of this act.

41
42 4. This act shall take effect immediately.

43 44 45 STATEMENT

46
47 This bill establishes requirements to authorize optometrists to
48 administer immunizations. Specifically, an optometrist will be

1 authorized to administer an immunization by any route or modality
2 if the optometrist meets the training and qualification requirements
3 as are established by the New Jersey State Board of Optometry by
4 regulation, and administration of the immunization is consistent
5 with recommendations issued by the Advisory Committee for
6 Immunization Practices in the federal Centers for Disease Control
7 and Prevention.

8 Optometrists who meet these requirements will be authorized to
9 administer any immunization to a patient who is 10 years of age and
10 older, and will be permitted to administer the influenza
11 immunization to any patient who is seven years of age or older.
12 Optometrists will be prohibited from administering immunizations
13 to patients who are younger than seven years of age.

14 In the case of patients who are seven years of age or older but
15 younger than 18 years of age, optometrists will be required to
16 receive authorization from the patient's parent or legal guardian as a
17 condition of administering an immunization to the patient.

18 The bill provides that optometrists may be authorized by the
19 New Jersey State Board of Optometrists to administer
20 immunizations during a public health emergency declared pursuant
21 to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1
22 et seq.), regardless of whether the board has promulgated rules and
23 regulations implementing the provisions of the bill.

24 Any immunization administered to a patient by an optometrist is
25 to be reported by the optometrist to the New Jersey Immunization
26 Information System established pursuant to section 4 of P.L.2004,
27 c.138 (C.26:4-134) for inclusion in the patient's registry.