

[First Reprint]

ASSEMBLY, No. 5222

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

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District 19 (Middlesex)

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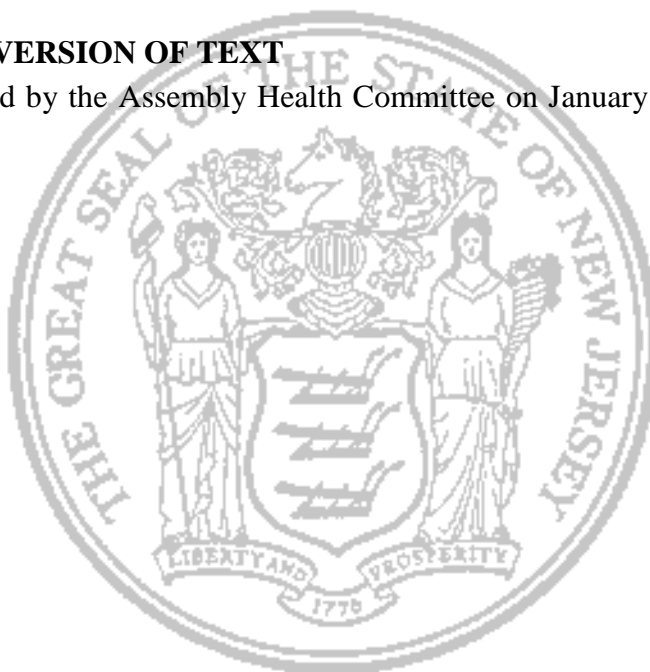
Assemblywoman McKnight

SYNOPSIS

Establishes requirements for optometrists to be authorized to administer certain immunizations and injections.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on January 13, 2021, with amendments.



(Sponsorship Updated As Of: 3/25/2021)

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 **[;]**¹, 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted January 13, 2021.

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[(1) Except as provided in paragraph (2)
8 of this subsection, an optometrist shall not administer
9 immunizations except upon certification from the New Jersey State
10 Board of 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)]¹ The New Jersey State Board of Optometrists may certify
15 an optometrist to administer ¹an epinephrine auto-injector device to
16 a patient who is 18 years of age or older and who appears to be
17 suffering from anaphylaxis and¹ immunizations ¹to patients who are
18 18 years of age or older¹ during a public health emergency declared
19 pursuant to the “Emergency Health Powers Act,” P.L.2005, c.222
20 (C.26:13-1 et seq.) ¹which are intended to prevent or reduce the
21 transmission of the disease that is the basis for the declared public
22 health emergency¹, regardless of whether the board has adopted
23 rules and regulations implementing the provisions of
24 P.L. , c. (C.) (pending before the Legislature as this bill).
25 ¹Authorization to administer an immunization or an injection
26 pursuant to this section shall terminate following the end of the
27 declared public health emergency. At a minimum, immunization
28 administration training based on guidance from the Centers for
29 Disease Control and Prevention shall be a prerequisite for
30 certification to administer an immunization pursuant to this
31 section.¹

32 b. ¹[(1) An optometrist shall not administer an immunization
33 to any patient who is younger than 18 years of age unless
34 administration of the immunization to the patient is authorized by
35 the patient’s parent or legal guardian.

36 (2) Subject to the provisions of paragraph (1) of this subsection,
37 an optometrist may administer the influenza immunization to any
38 patient who is seven years of age or older, and may administer any
39 immunization to any patient who is 10 years of age or older. An
40 optometrist shall not administer any immunization to a patient who
41 is younger than seven years of age.

42 c.]¹ An immunization administered to a patient by an
43 optometrist shall be reported by the optometrist to the New Jersey
44 Immunization Information System established pursuant to section 4
45 of P.L.2004, c.138 (C.26:4-134) for inclusion in the patient’s
46 registry.

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

5

6 4. This act shall take effect immediately.