

SENATE, No. 1614

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senator KYRILLOS

1 AN ACT to provide for the regulation and certification of contact lens
2 dispensers, supplementing P.L.1952, c.336 (C.52:17B-41.1 et seq.)
3 and repealing P.L.1991, c.447.

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

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8 1. This act shall be known and may be cited as the "Contact Lens
9 Dispenser Act."

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11 2. As used in this act:

12 a. "Board" means the State Board of Examiners of Ophthalmic
13 Dispensers and Ophthalmic Technicians.

14 b. "Practice of contact lens dispensing" means the design,
15 measurement, verification, fitting and delivery of contact lenses to the
16 patient based upon the prescription of powers for vision of the patient
17 and approval for contact lenses as provided in the prescription of a
18 licensed optometrist or physician. The practice includes, but is not
19 limited to, the analysis and interpretation of prescriptions and
20 specifications for contact lenses; the taking of measurements to
21 determine the size, shape and specifications of contact lenses; the
22 preparation of orders and the grinding for fabricating of contact lenses;
23 the verification of the quality of contact lenses; the adjustment of
24 contact lenses to the patient's eyes; the instruction of the patient as to
25 the proper insertion, removal, care and the use of the contact lenses;
26 and the adjustment, reevaluation, repair, duplication, reproduction and
27 replacement of previously prepared contact lenses. The practice shall
28 not include the examination of the eye for the purpose of ascertaining
29 any departure from normal vision.

30 c. "Prescription" means written instructions or orders from a
31 licensed physician or optometrist stating the powers of vision of a
32 person.

33 d. "Duplication" means the replacement or reproduction of contact
34 lenses based upon a prescription or specifications of record.

35 e. "Contact lens dispenser" means a person certified to practice
36 contact lens dispensing pursuant to the provisions of this act.

1 3. There is created in the Division of Consumer Affairs of the
2 Department of Law and Public Safety, within the State Board of
3 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, a
4 Contact Lens Dispensers Advisory Committee which shall ascertain
5 the facts concerning the dispensing, fitting and sale of contact lenses
6 for the purpose of advising the board about the need for, and
7 desirability of, rules and regulations to promote the health, safety and
8 welfare of the public, and to effectuate the purposes of this act.

9 The advisory committee shall consist of three members appointed
10 by the board with the approval of the Director of the Division of
11 Consumer Affairs. One member of the advisory committee shall be a
12 physician licensed to practice in the State of New Jersey with a
13 minimum of five years of current experience in the dispensing of
14 contact lenses; one member shall be an optometrist licensed to practice
15 in the State of New Jersey with a minimum of five years of current
16 experience in the dispensing of contact lenses; and one member shall
17 be experienced in the practice of contact lens dispensing and be a
18 faculty member or instructor in a board-approved ophthalmic science
19 program. After the board has certified one or more contact lens
20 dispensers in accordance with the provisions of this act who the board
21 judges to be qualified to serve on the advisory committee, a fourth
22 member who is a contact lens dispenser shall be appointed by the
23 board with the approval of the Director of the Division of Consumer
24 Affairs; and thereafter the advisory committee shall consist of four
25 members. Members of the advisory committee shall be appointed for
26 a term of three years and shall serve thereafter until reappointed or
27 until a successor is named.

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29 4. No person, except a licensed optometrist or physician, shall
30 represent himself to be a contact lens dispenser or shall engage in the
31 practice of contact lens dispensing unless he is certified in accordance
32 with the provisions of this act.

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34 5. a. The board shall meet on a regular basis to act upon the
35 applications of candidates for certification as contact lens dispensers.

36 b. The board shall certify as a contact lens dispenser any person
37 who:

38 (1) Is an ophthalmic dispenser licensed to practice in this State;

39 (2) Provides the board with satisfactory evidence of the successful
40 completion of a board-approved educational program or another
41 course of study deemed by the board to be substantially similar to the
42 board-approved educational program;

43 (3) Successfully completes a clinical program approved by the
44 board for the training of contact lens dispensers or successfully
45 completes at least one year of satisfactory training and experience as
46 an apprentice in the dispensing of contact lenses pursuant to section

1 8 of this act;

2 (4) Passes a board-approved written examination in the practice of
3 contact lens dispensing; and

4 (5) Passes a board-approved practical examination.
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6 6. The board shall administer a written examination to candidates
7 for certification as contact lens dispensers at least twice each year.
8 The board shall employ the National Contact Lens Examiners
9 examination as its written examination for two years following the
10 effective date of this act.
11

12 7. If a candidate fails an examination required by this act on three
13 consecutive occasions, the candidate may continue to retake that
14 examination only if the required education or training has been
15 completed within three years of the next administration of the
16 examination.
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18 8. A candidate for certification as a contact lens dispenser who
19 chooses to participate in a board-approved apprenticeship program
20 shall first obtain a training permit from the board, which shall expire
21 after two years.

22 The apprenticeship training shall be under the supervision of a
23 physician, optometrist or licensed ophthalmic dispenser certified as a
24 contact lens dispenser and shall consist of experience in the fitting and
25 adapting of contact lenses, the verification and interpretation of
26 prescriptions for contact lenses, and other aspects of the practice and
27 theory of contact lens dispensing. The candidate's preceptor shall
28 certify to the board that the candidate has successfully completed the
29 training before the candidate may qualify to take the written
30 examination administered by the board for certification.

31 A contact lens apprentice shall apply for and pass one of the first
32 three written examinations for certification administered by the board
33 immediately following the completion of his first year of
34 apprenticeship, but the board may grant an extension of application to
35 the next succeeding examination for good cause. If a candidate is
36 unsuccessful in passing one of these three written examinations, the
37 candidate shall return his permit and cease working as a contact lens
38 dispenser apprentice.
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40 9. The board shall levy fees for applications, examinations,
41 apprentice permits, certifications, certificate renewals and other
42 services it performs as may be required to cover the costs associated
43 with the administration of this act.
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45 10. Certification shall be issued for a period of two years and shall
46 be renewed automatically by the board upon payment of the required

1 fee unless revoked or suspended by the board pursuant to the
2 provisions of P.L.1978, c.73 (C.45:1-14 et seq.). The board shall
3 automatically revoke or suspend the certificate of any certified contact
4 lens dispenser whose ophthalmic dispenser's license has been revoked
5 or suspended.

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7 11. The board may require that holders of contact lens dispenser
8 certificates from time to time provide satisfactory evidence of the
9 completion of continuing education courses in contact lens dispensing.

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11 12. A contact lens dispenser shall only dispense contact lenses
12 upon a prescription containing spectacle lens specifications and a
13 notation by the prescribing physician or optometrist that the patient is
14 a suitable candidate on whom to initiate the contact lens dispensing
15 process. A prescription containing a spectacle lens specification and
16 a notation of "for contact lenses" or similar words shall be deemed
17 adequate for the dispensing of contact lenses by a contact lens
18 dispenser.

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20 13. Upon completion of the contact lens dispensing procedure, a
21 contact lens dispenser shall refer the patient back to the prescribing
22 physician or optometrist.

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24 14. Previously dispensed contact lenses shall only be replaced,
25 reproduced or duplicated by a contact lens dispenser upon the
26 prescription or specifications of record, a copy of which shall be
27 provided by the original contact lens dispenser upon the patient's
28 request.

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30 15. The board may adopt rules and regulations establishing
31 examination content and procedures, qualifications for contact lens
32 dispensers, including educational qualifications, qualifications of
33 preceptors, the quality of training and supervision by preceptors,
34 criteria for the professional practice of contact lens dispensing by a
35 certified contact lens dispenser, and, pursuant to P.L.1978, c.73
36 (C.45:1-14 et seq.), penalties for the violation of any of the provisions
37 of this act.

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39 16. A licensed physician or optometrist shall prepare and release
40 a prescription for contact lenses to any person qualified under this act
41 to dispense contact lenses upon the patient's request, except that
42 nothing in this act shall require:

43 a. An optometrist or physician to release a prescription authorizing
44 the initiation of the contact lens dispensing process when, in the
45 judgment of the optometrist or physician, the initiation of that process
46 is contraindicated, and where that determination is made, no person

1 shall initiate the dispensing of contact lenses pursuant to that
2 prescription; or

3 b. Anyone permitted to treat ocular pathology to release a
4 prescription authorizing the initiation of the contact lens dispensing
5 process when contact lenses are being used for therapeutic purposes
6 in the treatment of any ocular pathology, but contact lens dispensers
7 may dispense these therapeutic lenses on direct referral from a person
8 qualified to treat disease.

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10 17. P.L.1991, c.447 (C.52:17B-41.25 et seq.) is repealed.

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12 18. This act shall take effect on the 90th day after enactment.

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STATEMENT

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17 This bill provides for the regulation and certification of contact lens
18 dispensers by the State Board of Examiners of Ophthalmic Dispensers
19 and Ophthalmic Technicians. The bill would create a four-member
20 Contact Lens Dispensers Advisory Committee within the board to
21 advise the board. Licensed physicians and optometrists who dispense
22 contact lenses are exempt from the certification requirements. This
23 bill repeals and replaces the provisions of the "Contact Lens Dispenser
24 Act," P.L.1991, c.447 (C.52:17B-41.25 et seq.), the law that
25 previously governed the practice and certification of contact lens
26 dispensers.

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31 Provides for the regulation and certification of contact lens dispensers.