

SENATE, No. 1976

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Senator KYRILLOS

1 AN ACT concerning the licensure of optometrists, amending
2 R.S.45:12-5, R.S.45:12-7, R.S.45:12-9 and P.L.1975, c.24 and
3 supplementing chapter 12 of Title 45 of the Revised Statutes.

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

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8 1. R.S. 45:12-5 is amended to read as follows:

9 45:12-5. A person desiring to commence the practice of optometry
10 shall file with the secretary of the board, upon [blanks] forms to be
11 furnished by the secretary, an application, verified by oath of the
12 applicant, stating therein that he is more than 21 years of age, of good
13 moral character, is a citizen of the United States, or has declared his
14 intention to become such a citizen, [has a preliminary education
15 equivalent to a course of at least 4 years in an approved public or
16 private high school] and has [been] graduated in good standing from
17 a school or college of optometry [maintaining a standard satisfactory
18 to the board and which was in good standing in the opinion of the
19 board at the date of graduation] accredited by the Council on
20 Postsecondary Accreditation or the United States Department of
21 Education, or its successor or equivalent, and shall have received a
22 diploma conferring upon him the degree of doctor of optometry or
23 what in the opinion of the board may be considered the equivalent
24 thereof, and shall have taken an examination [before] acceptable to the
25 board to determine his qualifications therefor. If the examination of
26 any applicant for registration shall be satisfactory to the majority of
27 the board, he shall receive from it a certificate of registration
28 authorizing him to practice optometry. All examination papers of
29 applicants shall be deposited in the New Jersey State Library, and
30 remain there for a period of 1 year, at the expiration of which time
31 they shall be destroyed, and they shall be prima facie evidence of all
32 matters therein contained.

33 (cf: P.L.1965, c.209, s.1)

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

Matter underlined thus is new matter.

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

2 45:12-7. Any applicant for license to practice optometry, upon
3 proving to the satisfaction of the board that he is of good moral
4 character, a citizen of the United States, or has declared his intention
5 to become such a citizen, and that he has been previously examined
6 and licensed by the examining and licensing board of [another] any
7 State, the District of Columbia or other jurisdiction of the United
8 States, and that [at the time of the granting of such license the
9 standard of requirements for the license to practice optometry in the
10 State where such license was granted was at least substantially equal
11 to the standard of requirements for such license established by this
12 chapter, or upon proof that he has successfully passed an examination
13 conducted by the International Association of Boards of Examiners in
14 Optometry] the applicant's current level of licensure and practice is
15 substantially equivalent to that authorized by chapter 12 of Title 45 of
16 the Revised Statutes, including the use and prescription of
17 pharmaceutical agents for treatment purposes, and upon filing with the
18 secretary of the board a copy of his existing license or certificate,
19 verified as a true copy by the affidavit of the secretary of the board
20 granting such license, may, in the discretion of the board following
21 review and endorsement of the applicant's credentials, be granted a
22 license to practice optometry without further examination upon the
23 payment to the treasurer of the board of [a] the established license fee
24 [of fifty dollars (\$50.00), and in such application for a license without
25 examination all questions of academic requirements of other States
26 shall be determined by the Commissioner of Education of this State].
27 If the board determines that the applicant's credentials do not
28 sufficiently meet the established standards, the board may specify
29 additional coursework or testing that shall be satisfactorily completed
30 prior to re-consideration of the application.

31 (cf: P.L.1952, c.255, s.3)

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33 3. R.S. 45:12-9 is amended to read as follows:

34 45:12-9. Every registered optometrist who practices in the State
35 of New Jersey shall, on such dates and times as the board may
36 determine, pay to the secretary-treasurer of the board a registration
37 renewal fee for which he shall receive a renewal of his registration.

38 A nonactive registration renewal certificate shall be issued to those
39 not practicing within the State upon payment of a renewal fee, payable
40 to the secretary-treasurer of the board on such dates and times as the
41 board may determine. Should a nonactive registrant desire to practice
42 in New Jersey during the registration year, he shall notify the board in
43 writing of his office location, shall pay the required fee for a change of
44 address and an additional fee to activate his license. He must return
45 his nonactive registration renewal certificate for cancellation. The
46 board shall thereupon issue an active registration certificate to said

1 registrant for his office location.

2 Every person having an active or nonactive license to practice
3 optometry in New Jersey shall notify the board in writing of any
4 change of address and pay a fee and return therewith his registration
5 renewal certificate and the board shall issue a new registration renewal
6 certificate.

7 Every registered optometrist having a nonactive registration
8 renewal certificate for a period of five years or more who desires an
9 active registration certificate shall be required to submit to a [practical
10 examination, conducted by the board, and if the results of the
11 examination are satisfactory to the majority of the board, he shall then
12 be] review of credentials prior to being issued an active certificate of
13 registration authorizing him to practice in this State. If the board
14 determines that the applicant's credentials do not sufficiently meet the
15 established standards, the board may specify additional coursework or
16 testing that shall be satisfactorily completed prior to re-consideration
17 of the application for an active registration certificate.

18 The board shall have the power to issue, upon proper application
19 and payment of the prescribed fees, branch office registration
20 certificates to active licensees when, in its discretion, and after a
21 proper investigation, it determines that the new branch office complies
22 with the provisions of this chapter and the rules and regulations of the
23 board and that such action serves the public interest.

24 Every licensee holding an active registration renewal certificate who
25 intends to practice at any place other than the address for which his
26 active registration renewal certificate is issued shall be required to
27 obtain from the secretary-treasurer for a fee a branch office
28 registration certificate for each and every location wherein he
29 practices; provided, that nothing herein contained shall be construed
30 to require an active licensee to obtain a branch office certificate for the
31 purpose of serving on the staff of a hospital or other health care
32 facility licensed by the Department of Health or institution; and further
33 provided, that nothing herein contained shall be construed to require
34 an active licensee to obtain a branch office certificate for the purpose
35 of rendering necessary optometric services to patients confined to their
36 homes, hospitals or other health care facilities licensed by the
37 Department of Health or institutions.

38 Every licensee holding a branch office registration certificate or
39 certificates shall, on such dates and times as the board may determine,
40 pay to the secretary-treasurer a registration renewal fee for each
41 branch office registration certificate he holds, for which he shall
42 receive a branch office registration renewal certificate or certificates.

43 In case of default in payment of registration renewal fees by any
44 registered optometrist, his certificate or certificates to practice may be
45 revoked by the board upon 20 days' notice to the last registered
46 address of said optometrist of the time and place of considering such

1 revocation; but the certificate or certificates shall not be revoked if the
2 person in default pays such fees before or at such time of consideration
3 named by the board.

4 Branch office registration certificates and branch office registration
5 renewal certificates shall be displayed in the offices for which they are
6 issued as provided for in R.S.45:12-8.

7 (cf: P.L.1995, c.315, s.1)

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9 4. Section 2 of P.L.1975, c.24 (C.45:12-9.2) is amended to read as
10 follows:

11 2. All registered active optometrists now or hereafter licensed in
12 the State of New Jersey shall be required to take and maintain records
13 of attendance for courses of study relating to the practice of the
14 profession of optometry or to maintain proficiency in some other
15 alternative manner to be prescribed and established by the New Jersey
16 State Board of Optometrists; except that any practitioner who has
17 been granted his license by examination during the preceding year shall
18 be exempt from this requirement for the succeeding year. [The board
19 shall approve only such continuing educational programs as are
20 available to all persons practicing optometry in the State on a
21 reasonable nondiscriminatory basis.] The board may approve
22 programs to be held within or without the State of New Jersey. [The
23 board shall approve such programs that enable optometrists in all
24 sections of the State to attend such programs. In no event shall the
25 board approve a program offered by any professional association that
26 discriminates against any licensed optometrists in the State, except that
27 the board shall permit a professional association to impose a
28 differential in registration fees not to exceed 130% of the fee charged
29 to members of that professional association] The board's approval or
30 denial of credit for a continuing education course shall be based solely
31 upon educational content and speaker qualifications. In no event shall
32 the board deny credit for an otherwise acceptable course due to its
33 sponsorship, admission policies or promotional practices.

34 (cf: P.L.1991, c.171, s.1)

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36 5. Section 3 of P.L.1975, c.24 (C.45:12-9.3) is amended to read as
37 follows:

38 3. Fifty credits of continuing professional optometric education
39 shall be required biennially of each New Jersey optometrist holding an
40 active license during the period preceding the established license
41 renewal date. Each credit shall represent or be equivalent to one hour
42 of actual course attendance [or in the case of those electing an
43 alternative method of satisfying the requirements of this act shall be
44 approved by the board and certified] . Each licensee seeking renewal
45 shall provide an affidavit of compliance with these continuing
46 education requirements to the board on forms to be provided for that

1 purpose. The board shall accept this affidavit as fulfillment of the
2 continuing education requirements for license renewal. The board
3 shall establish a program to periodically audit licensees' records of
4 attendance to ensure compliance with this section.

5 (cf: P.L.1975, c.24, s.3)

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7 6. Section 4 of P.L.1975, c.24 (C.45:12-9.4) is amended to read as
8 follows:

9 4. In order to reactivate a license which was issued by the board
10 and has been inactive less than five years, the applicant shall give
11 evidence satisfactory to the board of having maintained proficiency by
12 attaining credits in an amount at least equal to that required for the
13 renewal of an active licensee applicant at that time.

14 (cf: P.L.1975, c.24, s.4)

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16 7. (New section) The board shall provide by regulation for the
17 issuance of special permits to recent graduates engaging in the practice
18 of optometry while serving in an approved residency pending
19 licensure, and shall establish the range of permissible activities by these
20 persons within the scope of practice authorized by R.S.45:12-1. The
21 board shall approve only those residency programs that are formally
22 affiliated with a school or college of optometry accredited by the
23 Council on Postsecondary Accreditation or the United States
24 Department of Education or are accredited by the Council on
25 Optometric Education of the American Optometric Association or its
26 successor or equivalent.

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28 8. This act shall take effect immediately.

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31 STATEMENT

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33 This bill revises sections of the optometry statutes to correct an
34 inequity wherein optometrists previously licensed in New Jersey must
35 undergo a practical examination in order to reactivate their license to
36 practice in New Jersey, while those optometrists previously licensed
37 elsewhere in the country need only undergo a review of credentials
38 prior to re-licensure. The bill establishes a formal process for review
39 of credentials applicable to all previously licensed optometrists
40 regardless of their original state of licensure.

41 The bill additionally revises the continuing education requirements
42 for license renewal by specifying that licensees, rather than the New
43 Jersey State Board of Optometrists, shall be personally responsible for
44 maintaining records of attendance at approved continuing education
45 courses. The bill requires the board to establish a program of periodic
46 audits of licensees' records in order to ensure compliance with the new

1 system. This new system of licensee responsibility for maintenance of
2 records brings New Jersey's procedures in line with the other 49 states
3 and with the continuing education requirements and procedures of the
4 other licensed health care professionals in this State.

5 Finally, the bill authorizes the board to define the range of
6 permissible activities within the existing scope of practice authorized
7 by R.S.45:12-1 for recent optometry graduates who are pending
8 licensure in New Jersey and who are participating in an approved
9 residency program.

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Modifies licensure requirements for optometrists.