

52:17B-41.25

LEGISLATIVE HISTORY CHECKLIST
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(Contact Lens Dispenser Act")

NJSA: 52:17B-41.25

LAWS OF: 1991 CHAPTER: 447

BILL NO: S2546

SPONSOR(S): Lynch

DATE INTRODUCED: April 5, 1991

COMMITTEE: ASSEMBLY: _____
SENATE: Labor, Industry and Professions

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks.

DATE OF PASSAGE: ASSEMBLY: January 10, 1992
SENATE: December 19, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

Title 52
Chapter 17B.
§§1-7
Contact Lens
Dispensing
C.52:17B-41.25
to
52:17B-41.31
§8
Note to §§1-7

P.L.1991, CHAPTER 447, approved January 18, 1992

1990 Senate No. 2546 (Second Reprint)

1 AN ACT ¹[to provide for the regulation and certification of]
2 concerning¹ contact lens dispensers ²[and fitters]¹² and
3 supplementing P.L.1952, c.336 (C.52:17B-41.1 et seq.).
4

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

7 1. This act shall be known and may be cited as the "Contact
8 Lens Dispenser ²[and Fitters]¹² Act."

9 2. As used in this act:

10 a. ²["Board" means the State Board of Examiners of
11 Ophthalmic Dispensers and Ophthalmic Technicians.

12 b.]² ¹"Practice of contact lens dispensing" means the sale or
13 delivery of contact lenses to the patient based upon the
14 prescription of powers for vision and specifications for contact
15 lenses for the patient as provided by a licensed physician or
16 optometrist ²[, or, in the case of fitting specifications, by a
17 contact lens fitter]² . The practice includes, but is not limited
18 to, the analysis and interpretation of prescriptions and
19 specifications for contact lenses; the preparation of orders and
20 the grinding for fabrication of contact lenses; the instruction of
21 the patient as to the proper insertion, removal, care and the use
22 of the contact lenses; and the duplication, reproduction and
23 replacement of previously prepared contact lenses.

24 ²[c.¹ "Practice of contact lens ¹[dispensing] fitting¹" means
25 the design, measurement, verification ¹[,], or¹ fitting ¹[or
26 delivery]¹ of contact lenses to the patient based upon the
27 prescription of powers for vision of the patient and approval for
28 contact lenses as provided in the prescription of a licensed
29 optometrist or physician. The practice includes, but is not
30 limited to, ¹[the analysis and interpretation of prescriptions and
31 specifications for contact lenses;] those practices set forth in
32 subsection b. of this section, as well as¹ the taking of
33 measurements to determine the size, shape and specifications for
34 contact lenses; ¹[the preparation of orders and the grinding for
35 fabricating of contact lenses;]¹ the verification of the quality and
36 fit of contact lenses; ¹[the adjustment of contact lenses to the
37 patient's eyes; the instruction of the patient as to the proper
38 insertion, removal, care and the use of the contact lenses;]¹ and

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:

¹ Senate SLI committee amendments adopted February 25, 1991.

² Senate floor amendments adopted December 12, 1991.

1 the ¹[adjustment,]¹ reevaluation ¹[,] and¹ repair ¹[, duplication,
2 reproduction and replacement]¹ of previously prepared contact
3 lenses. The practice shall not include the examination of the eye
4 for the purpose of ascertaining any departure from normal vision.

5 ¹[c.] d.¹ b.² "Prescription" means written instructions or
6 orders from a licensed physician or optometrist stating the
7 powers of vision of a person.

8 ¹[d.] ²[e.] c.² "Duplication" means the replacement or
9 reproduction of contact lenses based upon a prescription or
10 specifications of record.

11 ²[¹e.] f.¹ "Contact lens ¹[dispenser] fitter¹" means a person
12 certified to practice contact lens ¹[dispensing] fitting¹ pursuant
13 to the provisions of this act.]²

14 ¹3. Any ophthalmic dispenser licensed in New Jersey may
15 engage in the practice of contact lens dispensing.¹

16 ²[¹3.] 4.¹ There is created in the Division of Consumer
17 Affairs of the Department of Law and Public Safety, within the
18 State Board of Examiners of Ophthalmic Dispensers and
19 Ophthalmic Technicians, a Contact Lens ¹[Dispensers] Fitters¹
20 Advisory Committee which shall ascertain the facts concerning
21 the ¹[dispensing,]¹ fitting ¹[, and sale]¹ of contact lenses for the
22 purpose of advising the board about the need for, and desirability
23 of, rules and regulations to promote the health, safety, and
24 welfare of the public and to effectuate the purposes of this act.

25 The advisory committee shall consist of three members
26 appointed by the board with the approval of the Director of the
27 Division of Consumer Affairs. One member of the advisory
28 committee shall be a physician licensed to practice in the State
29 of New Jersey who is a diplomate of the American Board of
30 Ophthalmology with a minimum of five years of current
31 experience in the ¹[dispensing] fitting¹ of contact lenses; one
32 member shall be an optometrist licensed to practice in the State
33 of New Jersey with a minimum of five years of current
34 experience in the ¹[dispensing] fitting¹ of contact lenses; and one
35 member shall be experienced in the practice of contact lens
36 ¹[dispensing] fitting¹ and a faculty member or instructor in a
37 board-approved ophthalmic science program. After the board has
38 certified one or more contact lens ¹[dispenser] fitters¹ in
39 accordance with the provisions of this act, whom the board judges
40 to be qualified to serve on the advisory committee, a fourth
41 member who is a contact lens ¹[dispenser] fitter¹ shall be
42 appointed by the board with the approval of the Director of the
43 Division of Consumer Affairs; and thereafter the advisory
44 committee shall consist of four members. Members of the
45 advisory committee shall be appointed for a term of three years
46 and shall serve thereafter until reappointed or until a successor is
47 named.]²

48 ²[¹4.] 5.¹ No person shall represent himself to be a contact

1 lens ¹[dispenser] fitter¹ or shall engage in the practice of contact
2 lens ¹[dispensing] fitting¹ unless he is certified in accordance
3 with the provisions of this act; except that nothing in this act
4 shall be construed to prohibit any person licensed to practice in
5 this State under any other law from engaging in the practice for
6 which he is licensed ¹]; and, provided that any ophthalmic
7 dispenser licensed in New Jersey may engage in the sale of
8 contact lenses directly to the consumer upon a written spectacle
9 prescription with contact lens specifications]¹.]²

10 ²[¹[5.] 6.¹ a. The board shall meet on a regular basis to act
11 upon the applications of candidates for certification as contact
12 lens ¹[dispensers] fitters¹.

13 b. The board shall certify as a contact lens ¹[dispenser]
14 fitter¹ any person who:

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

16 (2) Provides satisfactory evidence of the completion of an
17 educational program approved by the board which includes
18 courses in Introduction to Contact Lenses, Laboratory, Contact
19 Lens Theory and Contact Lens Fitting;

20 (3) Successfully completes a clinical program of at least 300
21 hours approved by the board for the training of contact lens
22 ¹[dispensers] fitters¹ or successfully completes at least one year
23 of satisfactory training and experience as an apprentice in the
24 ¹[dispensing] fitting¹ of contact lenses pursuant to section ¹[8]
25 9¹ of this act; and

26 (4) Passes a board-approved written examination in the
27 practice of contact lens ¹[dispensing] fitting¹.

28 c. The board shall certify as a contact lens ¹[dispenser] fitter¹
29 any person who:

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

31 (2) Passes the current board-approved written examination for
32 contact lens ¹[dispensers] fitters¹ within two years prior to the
33 date of the application for certification;

34 (3) Provides the board with satisfactory evidence of the
35 successful completion of a board-approved educational program
36 or another course of study deemed by the board to be
37 substantially similar to the board-approved educational program;
38 and

39 (4) Passes a board-approved practical examination.]²

40 ²[¹[6.] 7.¹ The board shall administer a written examination to
41 candidates for certification as contact lens ¹[dispensers] fitters¹
42 at least twice each year. The board ¹[may] shall¹ employ the
43 National Contact Lens Examiners examination ¹or any other
44 substantially equivalent independently prepared and administered
45 examination¹ as its written examination.]²

46 ²[¹[7.] 8.¹ If any candidate fails any required examination on
47 three consecutive occasions, the candidate may continue to
48 retake that examination only if the required education or training

1 has been completed within three years of the next administration
2 of the examination.]²

3 ²[¹[8.] 9.¹ Any candidate for certification as a contact lens
4 ¹[dispenser] fitter¹ in order to participate in a board-approved
5 apprenticeship program shall first obtain a training permit from
6 the board, which shall expire after two years.

7 The apprenticeship training shall be under the supervision of a
8 licensed physician, optometrist or ophthalmic dispenser who is
9 certified as a contact lens ¹[dispenser] fitter¹. The
10 apprenticeship training shall consist of experience in the fitting
11 and adapting of contact lenses, ¹[the verification and
12 interpretation of specifications for contact lenses] those
13 practices as set forth in the definition of the practice of contact
14 lens fitting in subsection c. of section 2 of this act¹, and other
15 aspects of the practice and theory of contact lens ¹[dispensing]
16 fitting¹ as reasonably required by the board. The candidate's
17 preceptor shall certify to the board that the candidate has
18 successfully completed the training before the candidate may
19 qualify to take the written examination administered by the
20 board for certification.

21 A contact lens apprentice shall apply for and pass one of the
22 first three written examinations for certification administered by
23 the board immediately following completion of the
24 apprenticeship, but the board may grant an extension of
25 application to the next succeeding examination for good cause. If
26 a candidate is unsuccessful in passing one of these three written
27 examinations he shall return his permit and cease working as a
28 contact lens ¹[dispenser] fitter¹ apprentice.]²

29 ²[¹[9.] 10.¹ The board shall levy fees for applications,
30 examinations, apprentice permits, certifications, certificate
31 renewals and other services it performs as may be required to
32 cover the costs associated with the administration of this act.]²

33 ²[¹[10.] 11.¹ Certification shall be issued for a period of two
34 years and shall be renewed by the board upon payment of the
35 required fee and proof of having completed the required number
36 of continuing education credits unless revoked or suspended by
37 the board pursuant to the provisions of P.L.1978, c.73 (C.45:1-14
38 et seq.). The board shall automatically revoke or suspend the
39 certificate of any certified contact lens ¹[dispenser] fitter¹
40 whose ophthalmic dispenser's license has been revoked or
41 suspended.]²

42 ²[¹[11.] 12.¹ The board shall require that holders of contact
43 lens certificates from time to time provide satisfactory evidence
44 of the completion of courses in continuing education in the
45 practice of contact lens ¹[dispensing] fitting¹.]²

46 ¹[12.] ²[^{13.}¹ 4.² A contact lens ¹[dispenser] ²[fitter¹]
47 dispenser² shall only ¹[dispense] ²[fit¹] dispense² contact lenses
48 upon a ²[prescription containing spectacle lens specifications and

1 a notation by the prescribing physician or optometrist that the
2 patient is a suitable candidate on whom to initiate the contact
3 lens ¹[dispensing] fitting¹ process. A prescription containing a
4 spectacle lens specification and a notation of "for contact
5 lenses" or similar words shall be deemed adequate for the
6 ¹[dispensing] fitting¹ of contact lenses by a contact lens
7 ¹[dispenser] fitter¹ written prescription provided by a licensed
8 physician or optometrist containing the powers of vision and
9 specifications for contact lenses for the patient².

10 ²[¹[13.] 14.¹ Upon completion of the contact lens ¹[dispensing]
11 fitting¹ procedure ¹or the dispensing of contact lenses¹, a
12 contact lens ¹[dispenser] fitter or ophthalmic dispenser, as the
13 case may be,¹ shall refer the patient back to the prescribing
14 physician or optometrist.]²

15 ¹[14.] ²[^{15.}¹ 5.² Previously dispensed contact lenses shall only
16 be replaced, reproduced, or duplicated ¹[by a contact lens
17 dispenser]¹ upon the prescription or specifications of record, a
18 copy of which shall be provided by the original contact lens
19 ¹[dispenser] ²[fitter¹] prescriber or dispenser² upon the patient's
20 request; provided that the prescription or specifications of record
21 are not more than two years old.

22 ²[¹[15.] 16.¹ The board shall adopt rules and regulations
23 establishing examination content and procedures, qualifications
24 for contact lens ¹[dispensers] fitters¹, including educational
25 qualifications, qualifications of preceptors, the quality of training
26 and supervision by preceptors, criteria for the professional
27 practice of contact lens ¹[dispensing] fitting¹ by a certified
28 contact lens ¹[dispenser] fitter¹, and, pursuant to P.L.1978, c.73
29 (C.45:1-14 et seq.), penalties for the violation of any of the
30 provisions of this act.]²

31 ¹[16.] ²[^{17.}¹ 6.² A licensed physician or optometrist shall
32 ²[prepare and]² release a ²copy of the patient's² prescription
33 containing a spectacle lens specification ¹[and a notation for
34 contact lenses, or contact lens specification to any person
35 qualified under this act to dispense] with contact lens
36 specifications to any person qualified to dispense contact lenses
37 ²[or a prescription containing spectacle lens specifications and a
38 notation for contact lenses to any person certified under this act
39 to fit¹ contact lenses]² upon the patient's request, except that
40 nothing in this act shall require ²[:

41 a. An] ^{an}² optometrist or physician to ²[release] write² a
42 prescription ²[authorizing the initiation of the] for² contact
43 ²[lens ¹[dispensing] fitting¹ process] lenses² when, in the
44 judgment of the optometrist or physician, ²[the initiation of that
45 process] it² is contraindicated ²[, and where that determination is
46 made, no person shall initiate the ¹[dispensing] fitting¹ of contact
47 lenses pursuant to that prescription; or

48 b. Anyone permitted to treat ocular pathology to release a

1 prescription authorizing the initiation of the contact lens
2 ¹[dispensing] fitting¹ process when contact lenses are being used
3 for therapeutic purposes in the treatment of any ocular
4 pathology, but contact lens ¹[dispensers] fitters¹ may ¹[dispense]
5 fit¹ these therapeutic lenses on direct referral from a person
6 qualified to treat disease]².

7 ¹[17. An optometrist or physician shall prepare and release a
8 prescription containing a spectacle lens specification and contact
9 lens specifications to an ophthalmic dispenser for the sale of
10 contact lenses directly to the consumer after which sale the
11 ophthalmic dispenser shall refer the consumer back to the
12 prescribing optometrist or physician.]¹

13 ²7. Notwithstanding any rule or regulation to the contrary, the
14 complete record of contact lens specifications shall be released
15 by an optometrist or ophthalmologist to the patient or to another
16 ophthalmologist, optometrist or ophthalmic dispenser licensed in
17 the State of New Jersey upon either the oral or written request
18 of the patient or professional acting on the patient's behalf.²

19 ²[18.] 8.² This act shall take effect on the 90th day after
20 enactment.

21
22
23 REGULATED PROFESSIONS

24
25 The "Contact Lens Dispenser Act."

1 initiation of that process is contraindicated, and where that
2 determination is made, no person shall initiate the dispensing of
3 contact lenses pursuant to that prescription; or

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

10 17. An optometrist or physician shall prepare and release a
11 prescription containing a spectacle lens specification and contact
12 lens specifications to an ophthalmic dispenser for the sale of
13 contact lenses directly to the consumer after which sale the
14 ophthalmic dispenser shall refer the consumer back to the
15 prescribing optometrist or physician.

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

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STATEMENT

20

21 This bill provides for the regulation and certification of
22 contact lens dispensers by the State Board of Examiners of
23 Ophthalmic Dispensers and Ophthalmic Technicians. The bill also
24 permits licensed ophthalmic dispensers to sell contact lens
25 directly to the consumer upon a written spectacle prescription
26 with contact lens specifications.

27

28

29

REGULATED PROFESSIONS

30

31 The "Contact Lens Dispenser Act."

S2546 (1990)

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 2546

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1991

The Senate Labor, Industry and Professions Committee reports without recommendation and with committee amendments Senate, No. 2546.

This bill, as amended by the committee, provides for the regulation and certification of contact lens fitters by the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians. The practice of contact lens fitting means the design, measurement, verification or fitting of contact lenses to the patient based upon the prescription powers for vision of the patient and approval for contact lenses as provided in the prescription of an optometrist or physician.

A Contact Lens Fitters Advisory Committee is created within the board to ascertain the facts concerning the fitting of contact lenses for the purpose of advising the board about the need for rules and regulations to effectuate the purposes of this act. The advisory committee will at first consist of a physician who is a diplomate of the American Board of Ophthalmology with at least five years of current experience in the fitting of contact lenses, an optometrist with at least five years of current experience in the fitting of contact lenses, and a faculty member or instructor in a board-approved ophthalmic science program with experience in the practice of contact lens fitting. Later, a contact lens fitter certified by the board will be appointed as the fourth member of the advisory committee.

To be eligible for certification as a contact lens fitter, an applicant must be an ophthalmic dispenser licensed in this State and have either:

a. Completed an educational program approved by the board, successfully completed a clinical program in contact lens fitting of at least 300 hours or successfully completed at least one year of apprenticeship in fitting contact lenses, and passed a written examination; or

b. Passed the current board-approved examination for contact lens fitters within two years prior to the date of application for certification, successfully completed a board-approved educational program or another substantially similar course of study, and passed a board-approved practical examination.

The bill requires the board to use as its written examination the National Contact Lens Examiners examination or any other substantially equivalent independently prepared and administered examination.

Board-approved apprenticeship programs are provided for in the bill and the apprenticeship training for contact lens fitting would be under the supervision of a licensed physician, optometrist or ophthalmic dispenser who is certified as a contact lens fitter.

A certified contact lens fitter would be required to complete courses of continuing education in contact lens fitting to renew the certification.

The bill provides that a contact lens fitter must only fit contact lenses upon a written spectacle lens prescription with a notation by the prescribing physician or optometrist that the patient is a suitable candidate for fitting contact lenses. Upon completion of the contact lens fitting procedure, a contact lens fitter must refer the patient back to the prescribing physician or optometrist.

The bill also permits licensed ophthalmic dispensers to dispense contact lenses directly to the consumer upon a written spectacle lens prescription with contact lens specifications. This dispensing includes the analysis and interpretation of prescriptions and specifications for contact lenses; the grinding for fabrication of contact lenses; instruction as to proper insertion, removal, care and use of contact lenses, and the sale of contact lenses. Upon dispensing contact lenses, an ophthalmic dispenser must refer the patient back to the prescribing physician or optometrist.

The bill also requires that a prescribing optometrist or physician must release a prescription containing a spectacle lens specification with contact lens specifications to any person qualified to dispense contact lenses (a physician, optometrist, ophthalmic dispenser or contact lens fitter) or a prescription containing spectacle lens specifications and a notation for contact lenses to any certified contact lens fitter upon the patient's request. However, the bill does not require a physician or optometrist to release a prescription authorizing the initiation of the contact lens fitting process when initiation of the process is contraindicated. Nor does it require a person permitted to treat ocular pathology to release a prescription for contact lenses for therapeutic purposes in treating an ocular pathology, but contact lens fitters may fit these therapeutic lenses on direct referral from a person qualified to treat disease.