

45:9-22.11

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2010 **CHAPTER:** 12

NJSA: 45:9-22.11 (Concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens)

BILL NO: S812 (Substituted for A1756)

SPONSOR(S) Vitale and Others

DATE INTRODUCED: January 12, 2010

COMMITTEE: **ASSEMBLY:** ---

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 22, 2010

SENATE: March 11, 2010

DATE OF APPROVAL: May 6, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S812

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

A1756

SPONSOR'S STATEMENT A2059: (Begins on page 3 of introduced bill) Yes

TECHNICAL REVIEW OF PREFILED BILL Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

SENATE, No. 812

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator BILL BARONI

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Haines, Ruiz and Weinberg

SYNOPSIS

Concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning dispensing of certain contact lenses and
2 amending P.L.1991, c.187 and P.L.1991, c.385.

3

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

6

7 1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to
8 read as follows:

9 46. A physician shall not dispense more than a seven-day supply
10 of drugs or medicines to any patient. The drugs or medicines shall
11 be dispensed at or below the cost the physician has paid for the
12 particular drug or medicine, plus an administrative cost not to
13 exceed 10% of the cost of the drug or medicine.

14 The provisions of this section shall not apply to a physician:

15 a. who dispenses drugs or medicines in a hospital emergency
16 room, a student health center at an institution of higher education,
17 or a publicly subsidized community health center, family planning
18 clinic or prenatal clinic, if the drugs or medicines that are dispensed
19 are directly related to the services provided at the facility;

20 b. whose practice is situated 10 miles or more from a licensed
21 pharmacy;

22 c. when he dispenses allergenic extracts and injectables;

23 d. when he dispenses drugs pursuant to an oncological or AIDS
24 protocol; **[or]**

25 e. when he dispenses salves, ointments or drops; or

26 f. when he dispenses a drug or medicine delivered to the eye
27 through a contact lens.

28 (cf: P.L.1991, c.187, s.46)

29

30 2. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to
31 read as follows:

32 9. a. Whenever in any law there is a requirement or duty with
33 respect to the prescription, administration or dispensing of any drug
34 which applies to any person authorized to prescribe that drug, the
35 same shall apply to an optometrist when prescribing, administering
36 or dispensing a pharmaceutical agent pursuant to R.S.45:12-1,
37 except that an optometrist shall not dispense a prescription as
38 provided for in R.S.45:12-1 in an amount exceeding a 72-hour
39 supply of that prescription unless the prescription is dispensed at no
40 charge to the patient.

41 b. Notwithstanding the provisions of subsection a. of this
42 section, an optometrist may dispense a pharmaceutical agent, as
43 provided for in R.S.45:12-1, that is delivered to the eye through a

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 contact lens and may dispense such pharmaceutical agent at a
2 charge to the patient.

3 (cf: P.L.1991, c.385, s.9)

4

5 3. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill permits an optometrist to dispense a pharmaceutical
11 agent that is delivered to the eye through a contact lens. In
12 addition, the bill provides that the optometrist may dispense such
13 pharmaceutical agent at a charge to the patient. The bill also
14 exempts a physician dispensing a drug or medicine delivered to the
15 eye through a contact lens from the provisions contained in section
16 46 of P.L.1991, c.187 (C.45:9-22.11), which relate to costs to be
17 charged to a patient for a drug or medicine and the amount of a drug
18 or medicine that a physician may supply.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 812

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 2010

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 812.

This bill amends P.L.1991, c.187, s.46 (C.45:9-22.11) and P.L.1991, c.385, s.9 (C.45:12-11) to remove the limitations with respect to dispensing and charging patients for contact lenses that emit therapeutic pharmaceutical agents. This type of contact lens represents new technology.

Current law generally restricts ophthalmologists from dispensing more than a seven-day supply of most drugs to their patients, and limits administrative charges to patients to 10% of a drug's cost. In the case of optometrists, current law prohibits them from dispensing more than a three-day supply of drugs unless the patient is not charged at all. Consequently, ophthalmologists and optometrists are limited in their ability to provide patients with this new form of eye treatment.

This bill is identical to Assembly Bill No. 1756 (Watson Coleman/Biondi), which is pending in the Assembly Regulated Professions Committee.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 1756

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

SYNOPSIS

Concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning dispensing of certain contact lenses and
2 amending P.L.1991, c.187 and P.L.1991, c.385.

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5 of New Jersey:

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7 1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to
8 read as follows:

9 46. A physician shall not dispense more than a seven-day supply
10 of drugs or medicines to any patient. The drugs or medicines shall
11 be dispensed at or below the cost the physician has paid for the
12 particular drug or medicine, plus an administrative cost not to
13 exceed 10% of the cost of the drug or medicine.

14 The provisions of this section shall not apply to a physician:

15 a. who dispenses drugs or medicines in a hospital emergency
16 room, a student health center at an institution of higher education,
17 or a publicly subsidized community health center, family planning
18 clinic or prenatal clinic, if the drugs or medicines that are dispensed
19 are directly related to the services provided at the facility;

20 b. whose practice is situated 10 miles or more from a licensed
21 pharmacy;

22 c. when he dispenses allergenic extracts and injectables;

23 d. when he dispenses drugs pursuant to an oncological or AIDS
24 protocol; **[or]**

25 e. when he dispenses salves, ointments or drops; or

26 f. when he dispenses a drug or medicine delivered to the eye
27 through a contact lens.

28 (cf: P.L.1991, c.187, s.46)

29

30 2. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to
31 read as follows:

32 9. a. Whenever in any law there is a requirement or duty with
33 respect to the prescription, administration or dispensing of any drug
34 which applies to any person authorized to prescribe that drug, the
35 same shall apply to an optometrist when prescribing, administering
36 or dispensing a pharmaceutical agent pursuant to R.S.45:12-1,
37 except that an optometrist shall not dispense a prescription as
38 provided for in R.S.45:12-1 in an amount exceeding a 72-hour
39 supply of that prescription unless the prescription is dispensed at no
40 charge to the patient.

41 b. Notwithstanding the provisions of subsection a. of this
42 section, an optometrist may dispense a pharmaceutical agent, as
43 provided for in R.S.45:12-1, that is delivered to the eye through a
44 contact lens and may dispense such pharmaceutical agent at a

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 charge to the patient.
2 (cf: P.L.1991, c.385, s.9)

3

4 3. This act shall take effect immediately.

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STATEMENT

8

9 This bill permits an optometrist to dispense a pharmaceutical
10 agent that is delivered to the eye through a contact lens. In
11 addition, the bill provides that the optometrist may dispense such
12 pharmaceutical agent at a charge to the patient. The bill also
13 exempts a physician dispensing a drug or medicine delivered to the
14 eye through a contact lens from the provisions contained in section
15 46 of P.L.1991, c.187 (C.45:9-22.11), which relate to costs to be
16 charged to a patient for a drug or medicine and the amount of a drug
17 or medicine that a physician may supply.

ASSEMBLY, No. 1756

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

SYNOPSIS

Concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee with technical review.



1 AN ACT concerning dispensing of certain contact lenses and
2 amending P.L.1991, c.187 and P.L.1991, c.385.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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10 of drugs or medicines to any patient. The drugs or medicines shall
11 be dispensed at or below the cost the physician has paid for the
12 particular drug or medicine, plus an administrative cost not to
13 exceed 10% of the cost of the drug or medicine.

14 The provisions of this section shall not apply to a physician:

15 a. who dispenses drugs or medicines in a hospital emergency
16 room, a student health center at an institution of higher education,
17 or a publicly subsidized community health center, family planning
18 clinic or prenatal clinic, if the drugs or medicines that are dispensed
19 are directly related to the services provided at the facility;

20 b. whose practice is situated 10 miles or more from a licensed
21 pharmacy;

22 c. when he dispenses allergenic extracts and injectables;

23 d. when he dispenses drugs pursuant to an oncological or AIDS
24 protocol; **[or]**

25 e. when he dispenses salves, ointments or drops; or

26 f. when he dispenses a drug or medicine delivered to the eye
27 through a contact lens.

28 The provisions of this section shall not apply to a licensed
29 chiropractic physician who dispenses food concentrates, food
30 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or
31 cell salts, glandular extracts, nutraceuticals, botanicals,
32 homeopathic remedies, and other nutritional supplements.

33 (cf: P.L.2009, c.322, s.2)

34

35 2. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to
36 read as follows:

37 9. a. Whenever in any law there is a requirement or duty with
38 respect to the prescription, administration or dispensing of any drug
39 which applies to any person authorized to prescribe that drug, the
40 same shall apply to an optometrist when prescribing, administering
41 or dispensing a pharmaceutical agent pursuant to R.S.45:12-1,
42 except that an optometrist shall not dispense a prescription as
43 provided for in R.S.45:12-1 in an amount exceeding a 72-hour
44 supply of that prescription unless the prescription is dispensed at no
45 charge to the patient.

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.

A1756 WATSON COLEMAN, BIONDI

3

1 b. Notwithstanding the provisions of subsection a. of this
2 section, an optometrist may dispense a pharmaceutical agent, as
3 provided for in R.S.45:12-1, that is delivered to the eye through a
4 contact lens and may dispense such pharmaceutical agent at a
5 charge to the patient.

6 (cf: P.L.1991, c.385, s.9)

7

8 3. This act shall take effect immediately.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1756

STATE OF NEW JERSEY

DATED: MARCH 4, 2010

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 1756.

This bill permits an optometrist to dispense a pharmaceutical agent that is delivered to the eye through a contact lens. In addition, the bill provides that the optometrist may dispense such pharmaceutical agent at a charge to the patient. The bill also exempts a physician dispensing a drug or medicine delivered to the eye through a contact lens from the provisions contained in section 46 of P.L.1991, c.187 (C.45:9-22.11), which relate to costs to be charged to a patient for a drug or medicine and the amount of a drug or medicine that a physician may supply.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.