

52:17B-41.6a; 52:17B-41.9 et seq.

LEGISLATIVE HISTORY CHECKLIST

(Ophthalmic dispensers -- prescribe educational and apprenticeship requirements)

WJSA 52:17B-41.6a; 52:17B-41.9 et seq.

LAWS OF 1979

CHAPTER 155

Bill No. S1394

Sponsor(s) Bedell and others

Date Introduced October 19, 1978

Committee: Assembly Commerce, Industry and Professions

Senate Labor, Industry and Professions

Amended during passage

Yes

~~X~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly January 22, 1979

Senate February 26, 1979

Date of approval July 19, 1979

Following statements are attached if available:

Sponsor statement	Yes	X <del>X</del>
Committee Statement: Assembly	Yes	X <del>X</del>
Senate	Yes	X <del>X</del>
Fiscal Note	X <del>X</del>	No
Veto message	X <del>X</del>	No
Message on signing	X <del>X</del>	No

Following were printed:

Reports	X <del>X</del>	No
Hearings	X <del>X</del>	No

med

9/1/78

*[Handwritten initials]*

155  
7-19-79  
[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1394

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators BEDELL, GRAVES, KENNEDY, GAGLIANO,  
FORAN and HIRKALA

Referred to Committee on Labor, Industry and Professions

AN ACT concerning the practice of ophthalmic dispensing, and  
amending and supplementing P. L. 1952, c. 336.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 9 of P. L. 1952, c. 336 (C. 52:17B-41.9) is amended to  
2 read as follows:

3 9. The board shall meet at least twice annually, at which time  
4 candidates applying for certification shall be examined and their  
5 qualifications determined; and the board may meet at such other  
6 times and places as the board may prescribe. A candidate<sup>[</sup>, in  
7 order to qualify for examination and certification as an ophthalmic  
8 dispenser, must furnish proof that he:

9 (a) Is at least 21 years of age.

10 (b) Is of good moral character.

11 (c) Is a citizen of the United States, or has legally declared his  
12 intention of becoming one.

13 (d) Has served as a registered apprentice of not less than 4  
14 calendar years' full-time employment under the supervision of  
15 an ophthalmic dispenser in an optical establishment, office, depart-  
16 ment store, shop or laboratory where prescriptions for optical  
17 glasses from given formulae have been filled, and has acquired  
18 experience in the producing and reproducing of ophthalmic lenses,  
19 and mounting the same to supporting materials, of which the last  
20 year in the State of New Jersey, at least, shall have been acquired  
21 within the 5 years last preceding the date of such application<sup>]</sup>

22 *shall qualify for examination and licensure as an ophthalmic*  
23 *dispenser upon providing the board with proof that he:*

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

23A **\*\*[a. Is of good moral character;**

24 *\*b. Is a citizen of the United States, or has legally declared his*  
 24A *intention of becoming one;\****]***\*\**

25 **\*[b.]\* \*\*[\*c.]\*\*\* *\*a.\** Holds a high school diploma or equiv-**

25A *alent; and*

26 **\*[c.]\* \*\*[\*d.]\*\*\* *\*b.\** Has fulfilled either of the following re-**

26A *quirements;*

27 (1) Holds **\*\*[a]\*\*** *\*\*an associate\*\** degree in ophthalmic science  
 28 *\*\*or its equivalent\*\** from an accredited institution and has worked  
 29 full-time as an apprentice ophthalmic dispenser under the super-  
 30 vision of a licensed ophthalmic dispenser for not less than 4 months  
 31 nor more than 1 year prior to taking the examination; or

32 (2) Has served not less than 36 calendar months as an apprentice  
 33 dispenser during which time he has satisfactorily completed not  
 34 less than the requisite number of school hours of board-approved  
 35 courses in ophthalmic science\*, said number of hours to be deter-  
 35A *mined by the board\*.*

36 **[A candidate, in order to qualify for examination and certifica-**  
 37 *tion as an ophthalmic technician, must furnish proof that he:*

38 (a) Is at least 18 years of age.

39 (b) Is of good moral character.

40 (c) Is a citizen of the United States, or has legally declared his  
 41 intention of becoming one.

42 (d) Has served as a registered apprentice of not less than 2  
 43 calendar years' full-time employment under the supervision of  
 44 an ophthalmic dispenser or ophthalmic technician in an optical  
 45 establishment, office, department store, shop or laboratory where  
 46 he has acquired experience in the producing and reproducing of  
 47 ophthalmic lenses and mounting the same to supporting materials.

48 The board shall grade the examinations returned by the candi-  
 49 dates and shall keep them for at least 1 year if said applicant  
 50 obtained a grade of less than 75%. Any unsuccessful candidate  
 51 may, upon written request to the board, see his graded paper.]

1 2. (New section) No one may apprentice pursuant to section 5  
 2 of P. L. 1952, c. 336 (C. 52:17B-41.5) unless he is registered with  
 3 the board. Subsequent to registration, an apprentice dispenser  
 4 who does not hold **\*\*[a]\*\*** *\*\*an associate\*\** degree in ophthalmic  
 5 science *\*\*or its equivalent\*\** from an accredited institution shall  
 6 serve a minimum of 36 months of apprenticeship during which time  
 7 he shall accumulate not less than *\*the\** requisite number of school  
 8 hours in board-approved courses in ophthalmic science, which  
 9 service and education shall be completed in the following manner:

10 a. During the first 12 months of the apprenticeship, an apprentice  
 11 dispenser shall serve not less than one-half of his time in technical  
 12 optical procedures and satisfactorily complete not less than the  
 13 requisite number of school hours of board-approved courses.

14 b. Upon completion of the first 12 months as an apprentice  
 15 dispenser and the requisite educational requirements, an apprentice  
 16 shall be required to take and pass a qualifying technical examina-  
 17 tion established and administered by the board. In the event the  
 18 apprentice dispenser fails such examination, he shall not there-  
 19 after directly serve the public in the dispensing of ophthalmic  
 20 products until he passes the qualifying technical examination.  
 21 Such apprentice dispenser who fails examination may take two  
 22 subsequent examinations for a total limit of three. An apprentice  
 23 dispenser shall be required to take the first available qualifying  
 24 technical examination for which he is eligible.

25 e. Upon successful completion of the qualifying technical  
 26 examination, an apprentice shall satisfactorily complete the re-  
 27 mainder of the school hours of board-approved courses while  
 28 continuing to work full-time as an apprentice under the supervi-  
 29 sion of a licensed dispenser for such additional period as necessary  
 30 for the apprentice dispenser to have accumulated the remainder  
 31 of the required 36 months of work. Upon accumulation of not  
 32 less than the requisite number of school hours and the required  
 33 supervised employment, the apprentice shall be eligible to take  
 34 the examination for licensure. Employment as an apprentice  
 35 dispenser shall require supervision by a licensed ophthalmic dis-  
 36 penser who may supervise the number of apprentices that the  
 37 board permits by regulation.

1 3. (New section) Any person who shall have been registered as  
 2 an apprentice dispenser prior to the effective date of this act shall  
 3 be permitted to elect either to participate in the apprentice program  
 4 as set forth in this act or continue to participate in the apprentice  
 5 program as established prior to the effective date of this act.  
 6 Any person making such an election shall notify the board in  
 7 writing of his election. In the event no election is filed on or  
 8 before 60 days after the effective date of this act, an apprentice  
 9 dispenser shall be deemed to have elected to participate in the  
 10 apprenticeship program as set forth in this act.

1 4. (New section) A candidate shall qualify for examination and  
 2 licensure as an ophthalmic technician upon providing the board  
 3 with proof that he\*\*[:]\*\* *has served not less than 12 calendar*  
 3A *months as an apprentice technician.\*\**

4     \*\*[a. Is of good moral character;

4A    ***b.*** *Is a citizen of the United States, or has legally declared his*  
 4B *intention of becoming one;\**

5     \*\*[b.]\* ***c.*** *Has served not less than 12 calendar months as an*  
 6 *apprentice technician.]\*\**

7     No one may apprentice pursuant to section 5 of P. L. 1952, c. 336  
 8 (C. 52:17B-41.5) unless he is registered with the board. Employ-  
 9 ment as an apprentice technician shall require supervision by a  
 10 licensed ophthalmic dispenser or licensed ophthalmic technician  
 11 who may supervise the number of apprentices that the board per-  
 12 mits by regulation. Any person who holds or obtains an ophthalmic  
 13 technician license shall be eligible to register with the board as  
 14 an apprentice dispenser\*\*, *notwithstanding the failure of such*  
 15 *applicant to possess a high school diploma or its equivalent\*\*.*  
 16 Subsequent to such registration, such person shall be deemed  
 17 eligible to take the examination for licensure as an ophthalmic  
 18 dispenser upon completion of 36 calendar months \*\*[an as]\*\*  
 19 *as an* apprentice dispenser during which time he has satis-  
 20 factorily completed not less than the requisite number of school  
 21 hours of board-approved courses in ophthalmic science.

1     \*\*5. (New section) *The board shall maintain all examinations of*  
 2 *candidates for licensure as ophthalmic dispensers and of candi-*  
 3 *dates for licensure as ophthalmic technicians on file for at least*  
 4 *one year. Upon written request to the board by a candidate, the*  
 5 *board shall make his examination available for inspection by the*  
 6 *candidate.\*\**

1     \*\*[5.]\*\* \*\*6.\*\* (New section) The board may require all  
 2 ophthalmic dispensers now or hereafter licensed in this State to  
 3 take board-approved courses of study relating to the practice of  
 4 the profession of opticianry or to maintain proficiency in some  
 5 other alternative manner to be prescribed and established by the  
 6 board in order to qualify for license renewal.

1     \*\*[6.]\*\* \*\*7.\*\* This act shall take effect on the sixtieth day  
 2 following its enactment.

14 an apprentice dispenser. Subsequent to such registration, such  
15 person shall be deemed eligible to take the examination for licensure  
16 as an ophthalmic dispenser upon completion of 36 calendar months  
17 as an apprentice dispenser during which time he has satisfactorily  
18 completed not less than the requisite number of school hours of  
19 board-approved courses in ophthalmic science.

1 5. (New section) The board may require all ophthalmic dis-  
2 pensers now or hereafter licensed in this State to take board-  
3 approved courses of study relating to the practice of the profession  
4 of opticianry or to maintain proficiency in some other alternative  
5 manner to be prescribed and established by the board in order to  
6 qualify for license renewal.

1 6. This act shall take effect on the 60th day following its enact-  
2 ment.

---

#### STATEMENT

This bill provides that candidates for examination and licensure as ophthalmic dispensers, apprentice dispensers, ophthalmic technicians and apprentice technicians must meet certain qualifications, must satisfactorily complete the requisite educational requirements, and serve a required amount of time as apprentices.

The bill also requires all ophthalmic dispensers to take part in certain continuing education courses approved by the board in order to qualify for license renewal.

S1394(1979)

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1394**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 13, 1979

Under the provisions of this bill a candidate for licensure as an ophthalmic dispenser would be required to have either (a) an associate degree in ophthalmic science and a minimum of 4 months experience as an apprentice dispenser or (b) a requisite number of board-approved courses in ophthalmic science and a minimum of 3 years experience as an apprentice dispenser. Prior to this bill, a candidate for licensure as an ophthalmic dispenser could only qualify for licensure by serving a minimum of 4 years as an apprentice dispenser.

Section 2 of the bill details the requirements of the 3-year apprenticeship for a license as an ophthalmic dispenser. Such a candidate would be required to take a technical examination after the first year of apprenticeship and the examination for licensure after 3 years of apprenticeship.

A candidate for licensure as an ophthalmic technician would be required to serve a year as an apprentice technician. The present statute requires an apprenticeship of 2 years.

Section 6 would permit the board to require continuing education for licensed ophthalmic dispensers as a prerequisite for license renewal.

The committee deleted by amendment the citizenship requirement in sections 1 and 4 of the bill after considering an Attorney General's opinion which stated that such a requirement is ". . . violative of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution" and, therefore, unenforceable. The committee also deleted the requirement that a candidate for licensure be of good moral character because the grounds for denying an application for licensure are clearly enumerated in P. L. 1978, c. 73 which was recently enacted and provides for uniform enforcement powers and procedures for professional and occupational boards within the Division of Consumer Affairs. Among other grounds for refusal under that act, the

board can refuse entrance to an applicant if he has engaged in the use of dishonesty, fraud, or false promise, engaged in gross negligence or gross incompetence, or been convicted of any crime involving moral turpitude or any crime relating adversely to the activity regulated by the board.

The committee amended section 1 to specify that a "degree in ophthalmic science" is an associate degree and not a 4-year degree. Presently, Camden County College and Essex County College offer a 2-year associate of applied science in ophthalmic science. Section 4 was amended to make it explicit that a licensed ophthalmic technician, who is not required to have a high school diploma to be a technician and who is eligible to register as an apprentice dispenser under the bill, would not be required to have a high school diploma to so register. The committee added a new section 5 which would require the board to keep for a year all the examinations it gives and to make a candidate's examination available for his inspection.

---



SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO  
**SENATE, No. 1394**  
with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 16, 1979

This bill provides that candidates for examination and licensure as ophthalmic dispensers must meet certain educational qualifications in addition to serving three years (reduced from four years) as an apprentice ophthalmic dispenser. It stipulates the manner in which one may move from being an apprentice ophthalmic dispenser to a licensed ophthalmic dispenser.

The bill also reduces from two years to one year the amount of time a person must serve as an apprentice technician before qualifying for examination and licensure as an ophthalmic technician. Any person who holds or obtains an ophthalmic technician license would be eligible to register with the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians as an apprentice dispenser. Subsequent to such registration, the person would be eligible to take the examination for licensure as an ophthalmic dispenser upon completion of the necessary educational and apprentice requirements.

The bill removes the age requirement for qualifying for examination and licensure as an ophthalmic dispenser or ophthalmic technician, and removes the requirement that one be a citizen of the United States.

The bill provides that the board may require all ophthalmic dispensers to take board-approved courses of study relating to the practice of the profession of opticianry or to maintain proficiency in some other alternative manner to be established by the board in order to qualify for license renewal.

Prior to this bill, there were no educational requirements for becoming an ophthalmic dispenser. The current law was written in 1952 when there were no educational institutions in the State of New Jersey which offered courses in ophthalmic dispensing. Both Camden County College and Essex County College now offer a two-year associate of applied science degree in ophthalmic science.

The committee amended the bill to re-insert the provision that a candidate for examination and licensure as an ophthalmic dispenser or ophthalmic technician must be a citizen of the United States or have legally declared his intention of becoming one.

Minor technical amendments were also made by the committee.

---