

STATE OF NEVADA



BOARD OF DISPENSING OPTICIANS

NOTICE OF INTENT TO ACT UPON A REGULATION *AND* HEARING AGENDA: LCB File No. R067-23

November 30, 2023 at 5:15 p.m.

Notice of Hearing for the
Adoption of Regulations of the
Nevada State Board of Dispensing Opticians

The Nevada State Board of Dispensing Opticians will hold a public hearing at **5:15 p.m. on Thursday, November 30, 2023, in person at: Courtyard by Marriott, Tahoe Boardroom, 6855 South Virginia Street; Reno, NV 89511, and via teleconference at: (617) 829-6755.** The purpose of the hearing is to receive comments from all interested persons regarding the potential adoption of Proposed Regulation R067-23, which pertains to Chapter 637 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation. NRS Chapter 637, which created the Board of Dispensing Opticians (Board) and governs the practice of ophthalmic dispensing in Nevada, underwent significant amendment during the 2023 legislative session via Assembly Bill 415 (AB415). Consequently, NAC Chapter 637, which contains rules and regulations necessary to carry out the provisions of NRS Chapter 637, must be amended to be congruent with the revised statute. The regulations must also be streamlined, clarified, and updated to reflect current standards of practice and administrative procedures of the Board. NRS Chapter 637 (as amended by Sections 8 and 22 of AB 415) grants the Board the authority to adopt such rules and regulations.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved. Not applicable; the proposed regulation would be a permanent regulation.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063. The text of the proposed regulation is attached to this notice, which will be posted at the locations listed below.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public.

a. Adverse and beneficial economic effects on the regulated business: Certain fees for the initial application or renewal of a license will increase by \$50. The fees are assessed upon individual opticians and would only cause an adverse effect on businesses that voluntarily reimburse their employees for their license renewal fees. In most instances, opticians will only pay a fee to the Board once per year, so the adverse economic effect to licensees and/or businesses will be minimal. The Board does not anticipate any other adverse or beneficial economic effects to businesses resulting from the proposed regulations.

b. Immediate and long-term economic effects on the regulated business: The effect on the licensees and businesses would be immediate, as the fee increases would take effect upon adoption of the regulation, and long-term because the increased fees would be collected annually.

c. Adverse and beneficial economic effects on the public: The Board does not anticipate any adverse or beneficial economic effects on the public.

d. Immediate and long-term economic effects on the public: The Board does not anticipate any immediate or long-term economic effects on the public.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608. The Board determined the proposed regulations would not impact small businesses through discussions at its regular meetings throughout 2021, 2022, and 2023. The Board members are individually employed by a range of employer types regulated by the agency, from large corporations to small independent offices. None of the Board members expressed concern that the proposed regulation would create a financial burden on their employers or colleagues. The Board did not receive any testimony from the public during meetings or workshops indicating the proposed regulations would cause a negative impact on small businesses.

(6) The estimated cost to the agency for enforcement of the proposed regulation. Enforcement of the proposed regulation will not create any additional costs to the Board.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. There are no regulations of other federal, state, or local governmental agencies which the proposed regulation overlaps or duplicates.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law. Not applicable; the proposed regulation is not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where, and the manner in which interested persons may present their views regarding the proposed regulation. The time and place of the hearing, and the manner in which interested persons may present their views, are included at the top of this notice.

(11) Whether the proposed regulation establishes a new fee or increases an existing fee. Certain fees for the initial application or renewal of a license will increase by \$50.

Persons wishing to comment upon the proposed action of the Nevada State Board of Dispensing Opticians may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Nevada State Board of Dispensing Opticians; 4790 Caughlin Parkway, #241; Reno, NV 89519, or via email to info@nvopticians.org. Written submissions must be received by the Nevada State Board of Dispensing Opticians on or before November 28, 2023. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Dispensing Opticians may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the office of the Nevada State Board of Dispensing Opticians; 4747 Caughlin Parkway, #8; Reno, NV 89519, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice will be posted at the following locations:

Board of Dispensing Opticians website: <https://nvbdo.nv.gov/>

Nevada Public Notice website: <https://notice.nv.gov/>

Nevada Legislature Administrative Regulation Notices: <https://www.leg.state.nv.us/App/Notice/A/>

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations at the meeting. Please contact the Board at 775-433-1700 or info@nvopticians.org at least three (3) business days prior to the meeting.

STATE OF NEVADA
Board of Dispensing Opticians

HEARING AGENDA

November 30, 2023

5:15 p.m.

1. Call to Order.
2. General Public Comment. *In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments may be limited to three (3) minutes. No action will be taken on any items raised in the public comment period.*
3. FOR POSSIBLE ACTION: Discussion and Adoption of Proposed Permanent Regulation **R067-23** to amend Nevada Administrative Code Chapter 637.
4. General Public Comment. *In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments may be limited to three (3) minutes. No action will be taken on any items raised in the public comment period.*
5. Adjourn.

Please note: Items on the agenda may be taken out of order, combined for consideration, or removed from the agenda at any time.

**REVISED PROPOSED REGULATION OF THE
BOARD OF DISPENSING OPTICIANS**

LCB File No. R067-23

November 20, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1, 2, 8-12, 14-17, 28 and 30-35, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391; §§ 3 and 4, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391, section 8 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1386 and section 9 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387; §§ 5-7 and 26, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391 and section 8 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1386; § 13, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391 and section 9 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387; § 18, NRS 637.040, as amended by section 18 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1390 and NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391; §§ 19 and 20, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391, NRS 637.100, as amended by section 25 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1392 and section 8 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1386; §§ 21-24, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391, NRS 637.121, as amended by section 27 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1394 and section 8 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1386; § 25, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391, NRS 637.121, as amended by section 27 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1394, section 8 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1386 and section 9 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387; § 27, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391 and

NRS 637.150, as amended by section 29 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1396; § 29, NRS 637.070, as amended by section 22 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1391 and section 10 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387.

A REGULATION relating to dispensing opticians; interpreting the term “ophthalmic product”; reorganizing and revising provisions relating to the issuance and renewal of a license as an apprentice dispensing optician; reorganizing and revising provisions governing apprenticeships; reorganizing and revising provisions relating to the authorized scope of practice of certain laboratory personnel; reorganizing and revising provisions governing the management of ophthalmic establishments; reorganizing and revising provisions related to the practice of ophthalmic dispensing; setting forth certain administrative fines; reorganizing and revising provisions relating to the operation of the Board of Dispensing Opticians; revising provisions relating to the issuance and renewal of a license and limited license as a dispensing optician; revising certain continuing education requirements; revising and setting forth certain fees; reorganizing and revising certain provisions relating to proceedings of the Board; making various other changes relating to dispensing opticians; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “ophthalmic dispensing” to include the final physical inspection and verification of the quality of finished ophthalmic products. (NRS 637.022, as amended by section 15 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1388) **Section 2** of this regulation interprets the term “ophthalmic product.”

Sections 15 and 16 of this regulation revise the definitions of “hour of continuing education” and “hour of training and experience.”

Section 17 of this regulation clarifies the severability provision contained in the chapter of the Nevada Administrative Code relating to dispensing opticians. (NAC 637.020)

Existing regulations set forth the scope of practice of laboratory personnel. (NAC 637.140) **Section 8** of this regulation reorganizes and revises such scope of practice. **Section 35** of this regulation makes a conforming change to repeal the existing section of the Nevada Administrative Code that is no longer necessary. (NAC 637.140)

Existing regulations establish certain requirements relating to the Board of Dispensing Opticians. (NAC 637.100, 637.110, 637.120) **Section 18** of this regulation reorganizes and revises such provisions into one section of the Nevada Administrative Code. **Section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.110, 637.120)

Existing law sets forth certain requirements to qualify for licensure as an apprentice dispensing optician. (Section 7 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023,

at page 1386) Existing regulations set forth: (1) certain requirements related to an application for licensure as an apprentice dispensing optician; and (2) the term and requirements for renewal of a license as an apprentice dispensing optician. (NAC 637.260, 637.263) **Sections 3 and 4** of this regulation reorganize and revise such provisions. **Section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.260, 637.263)

Existing regulations: (1) require an apprentice dispensing optician to submit to the Board evidence of enrollment in an educational program on the theory of ophthalmic dispensing approved by the Board or adequate prior ophthalmic experience; and (2) set forth certain requirements for training and experience. (NAC 637.285, 637.290) **Sections 5 and 6** of this regulation reorganize and revise these provisions and **section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.285, 637.290)

Existing regulations: (1) require an apprentice dispensing optician to have on file with the Board a supervisor of record who is licensed in this State; and (2) set forth requirements related to the role of the supervisor of record. (NAC 637.280) **Section 7** of this regulation: (1) reorganizes and revises such provisions; and (2) requires that each apprentice dispensing optician submit to the Board a sworn statement made by the apprentice dispensing optician and the supervisor of record to conduct the apprenticeship in accordance with the provisions of the Nevada Revised Statutes and Nevada Administrative Code. **Section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.280)

Existing regulations set forth the requirements for an application for an examination required to obtain a license as a dispensing optician. (NAC 637.150) **Section 19** of this regulation: (1) clarifies that the application is for a license as a dispensing optician; and (2) reorganizes and revises such provisions.

Existing regulations set forth the requirements relating to the scope, content and administration of the examination that is required for a license or limited license as a dispensing optician. (NAC 367.160) **Section 20** of this regulation: (1) clarifies the content of such examinations; (2) authorizes the Board to hold certain meetings related to such examinations; and (3) requires that any certificate required by the Board is valid at the time the applicant is issued a license.

Existing regulations: (1) require a dispensing optician or a dispensing optician with a limited license to submit to the Board a statement affirming that the dispensing optician or dispensing optician with a limited license has completed a certain number of hours of continuing education; and (2) set forth various requirements related to the completion of such hours. (NAC 637.190, 637.200) **Sections 21, 22 and 24** of this regulation reorganize and revise such provisions.

Existing regulations set forth the requirements for the holder of a license as a dispensing optician or a limited license as dispensing optician to transfer such license to an inactive list under certain circumstances. (NAC 637.215) **Section 23** of this regulation: (1) reorganizes and revises such provisions; (2) provides that a license may not be inactive for a period of more than 10 consecutive years; and (3) provides that a person who holds an inactive license as a

dispensing optician is not required to obtain hours of continuing education while the license is inactive and is prohibited from performing any act for which a license is required.

Existing regulations set forth the term of a license and a limited license as a dispensing optician. (NAC 637.218) **Section 24** of this regulation: (1) reorganizes such provisions; and (2) requires an application for the renewal of such licenses to include a statement affirming that the dispensing optician has completed the required number of hours of continuing education.

Existing law requires the Board to establish a schedule of certain fees and charges relating to the licensure of a dispensing optician or apprentice dispensing optician. (Section 9 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387) Existing regulations set forth fees for the application, renewal, reinstatement, transfer and reactivation of a license as a dispensing optician, limited license as a dispensing optician and license as an apprentice dispensing optician. (NAC 637.150, 637.220, 637.260, 637.265) **Section 25** of this regulation: (1) reorganizes and revises such fees into one section of the Nevada Administrative Code; and (2) sets forth fees for the initial licensure and annual renewal of a license as an apprentice dispensing optician, license a dispensing optician and a limited license as a dispensing optician. **Section 35** makes a conforming change related to the reorganization of the fees into one section of the Nevada Administrative Code. (NAC 637.265)

Section 26 of this regulation requires each licensee to file with the Board his or her electronic mail address, in addition to the existing requirements to file his or her home or mailing address and business address. (NAC 637.230)

Existing law provides that if the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license has committed unprofessional conduct which has endangered or is likely to endanger public health, safety or welfare, the Board may take certain action against the applicant or licensee. Existing law further defines the term “unprofessional conduct” to include: (1) certain specific conduct; and (2) other conduct which the Board has determined is unethical or unprofessional. (NRS 637.150, as amended by section 29 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1396) **Section 27** of this regulation sets forth how the Board will interpret what constitutes “other conduct which the Board has determined is unethical or unprofessional.”

Section 28 of this regulation revises certain recommendations for prescription ophthalmic lenses of the American National Standards Institute that the Board has adopted by reference. (NAC 637.239)

Existing regulations: (1) set forth the duties of an ophthalmic manager; (2) require certain ophthalmic dispensing areas to have a business manager; and (3) prohibit a person who has supervisory authority over a person who manages a business engaged in ophthalmic dispensing to intentionally influence or attempt to influence certain decisions of that person. (NAC 637.144, 637.237) **Section 9** of this regulation: (1) reorganizes and revises such duties and provisions; and (2) eliminates the requirement to have a business manager. **Section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.144, 637.237)

Existing regulations require a dispensing optician to have certain optical equipment at the place of dispensing and prohibits a dispensing optician from fitting contact lenses unless the dispensing optician has access to certain equipment for fitting contact lenses. (NAC 637.241,

637.245) **Section 10** of this regulation reorganizes the requirements for optical equipment into one section of the Nevada Administrative Code. **Section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.241, 637.245)

Existing regulations: (1) authorize the Board to inspect the place of dispensing of a licensee; and (2) set forth certain requirements for advertising which quotes prices of ophthalmic goods and services. (NAC 637.123, 637.250) **Sections 11 and 12** of this regulation reorganize such provisions and **section 35** makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.123, 637.250)

Existing law: (1) authorizes the Board or its designee to issue a written administrative citation under certain circumstances; and (2) provides that such a citation may include, without limitation, an administrative fine. (Section 11 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387) **Section 13** of this regulation sets forth the amounts of such administrative fines.

Existing regulations: (1) authorize any member of the public or the Board to file a written complaint with the Board under certain circumstances; (2) require the Executive Director of the Board to review each complaint; and (3) if the Executive Director determines that one or more of the allegations is substantiated, requires the Executive Director to prepare a charging document. (NAC 637.333, 637.335, 637.337) **Section 29** of this regulation reorganizes and revises such provisions. **Section 35**: (1) eliminates the requirement for the Executive Director to prepare a charging document; and (2) makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.333, 637.337)

Section 30 of this regulation revises the standard of conduct for a person appearing in a proceeding before the Board. (NAC 637.410)

Existing regulations require: (1) notice of a disciplinary hearing to be served either personally or by certified mail upon the dispensing optician or apprentice dispensing optician; (2) if an apprentice dispensing optician is the subject of a disciplinary hearing, the Board to notify the employer of the apprentice dispensing optician; and (3) following the entry of an appearance by an attorney for a party, the service of certain documents upon the party represented by the attorney. (NAC 637.390, 637.470) **Section 31** of this regulation: (1) reorganizes such provisions; and (2) eliminates the requirement for the Board to notify the employer of an apprentice dispensing optician who is the subject of a disciplinary hearing. **Section 35** makes a conforming change to repeal the existing section of the Nevada Administrative Code that is no longer necessary. (NAC 637.390)

Existing regulations: (1) require the Board to issue orders or decisions and serve such decisions and orders by regular and certified mail; and (2) provide that additional copies of an order may be obtained upon request. (NAC 637.620) **Section 32** eliminates: (1) the requirement to serve such a decision or order by regular mail; and (2) the authority to request an additional copy of an order.

Existing regulations set forth certain requirements relating to petitions for declaratory orders or advisory opinions as to the applicability of a statutory provision or a regulation or decision of the Board. Existing regulations further require, if the Board grants such a petition, the President of the Board or other presiding officer to assign one member of the Board to write the

order or opinion. (NAC 637.650-637.690) **Section 33** of this regulation reorganizes and revises such provisions. **Section 35**: (1) eliminates the requirement for the appointment of one member of the Board to write the order or opinion; and (2) makes a conforming change to repeal the existing sections of the Nevada Administrative Code that are no longer necessary. (NAC 637.660-637.690)

Section 34 of this regulation requires a petition for the adoption, filing, amendment or repeal of a regulation to include the phone number of the petitioner. (NAC 637.700)

Section 35 also repeals: (1) certain definitions; (2) certain requirements relating to hearings and investigations; (3) certain requirements relating to special licenses; (4) certain requirements related to training and experience related to the fitting and filling of prescriptions for contact lenses; (5) the authority for an applicant to be issued a duplicate license; and (6) certain provisions relating to proceedings before the Board. (NAC 637.003, 637.006, 637.009, 637.125, 637.130, 637.132, 637.148, 637.225, 637.300, 637.310, 637.320, 637.340, 637.460, 637.480, 637.550) **Section 14** of this regulation makes a conforming change to a reference to reflect the elimination of certain definitions by **section 35**.

Section 1. Chapter 637 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in this chapter and NRS 637.022, the Board will interpret the term “ophthalmic product” to mean any material used for the correction or relief of or remedy for any abnormal condition or inefficiency of the eye or visual process. The term includes lenses, frames and other specially fabricated optical devices, including, without limitation:*

- 1. Ophthalmic lenses for sunglasses, dive masks, sports goggles and occupational goggles;*
- 2. Ophthalmic prescription lenses;*
- 3. Ophthalmic devices that have dioptric power and are attached to eyeglasses; and*
- 4. All prescription and nonprescription contact lenses, including, without limitation, prepackaged contact lenses, individual contact lenses, cosmetic contact lenses and theatrical contact lenses.*

Sec. 3. 1. *An application for a license as an apprentice dispensing optician must be submitted in the form and manner prescribed by the Board. Such an application must include, without limitation:*

(a) Proof that the applicant satisfies the requirements of section 7 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1386.

(b) The name and address of the optical establishment where the apprenticeship will be conducted.

(c) A statement indicating whether the applicant has had a disciplinary action taken or initiated against any professional license the applicant has held in this State or any other jurisdiction. If so, the applicant must disclose the circumstances of the disciplinary action and, if requested by the Board, submit to a background check.

(d) A statement indicating whether the applicant has been convicted of a misdemeanor, gross misdemeanor or felony in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the conviction and, if requested by the Board, submit to a background check.

(e) The sworn statement of the applicant and the licensed dispensing optician, ophthalmologist or optometrist who will act as the supervisor of record of the applicant required by section 7 of this regulation.

(f) An affidavit attesting to the truthfulness of all statements made in the application.

(g) The application fee as set forth in NAC 637.220.

2. The submission of false or misleading statements, information or documents or the failure to provide the information required as part of the application is sufficient cause for the Board to reject the application or revoke the license of an apprentice dispensing optician.

3. The Executive Director of the Board, an authorized employee of the Board or designee of the Board may review and approve or deny applications for a license pursuant to this section and in accordance with the policies of the Board.

Sec. 4. *1. A license as an apprentice dispensing optician expires on January 31 of each year.*

2. An application for the renewal of a license as an apprentice dispensing optician must be submitted in the form and manner prescribed by the Board and must include, without limitation:

(a) If the apprentice dispensing optician will have been licensed for 6 months or longer on January 31 and has not already submitted such evidence to the Board, evidence of enrollment or completion of a program of education as required by subsection 1 of section 6 of this regulation;

(b) Any changes to the employer of the apprentice dispensing optician, the business address or supervisor of record not previously reported to the Board; and

(c) The renewal fee set forth in NAC 637.220.

3. A license of an apprentice dispensing optician that is not renewed by January 31 is delinquent. Not later than 30 days after the date on which such a license becomes delinquent, an apprentice dispensing optician may apply to reinstate the delinquent license by submitting an application to renew such license and paying the fee set forth in NAC 637.220.

4. An apprentice dispensing optician whose license is not renewed pursuant to subsection 2 or reinstated pursuant to subsection 3 may reapply for licensure as an apprentice dispensing optician pursuant to section 3 of this regulation not earlier than 1 year after the expiration date of his or her license.

5. Except as otherwise provided in subsection 6, a license as an apprentice dispensing optician issued between February 1 and October 31 of any year may not be renewed more than three times. A license as an apprentice dispensing optician issued between November 1 and January 31 of any year may not be renewed more than four times. An applicant who is not authorized to renew his or her license pursuant to this subsection may reapply for a license as an apprentice dispensing optician not earlier than 1 year after the final expiration date of such a license.

6. The Board may grant a request for an additional renewal of a license as an apprentice dispensing optician if the applicant submits a request in the form and manner prescribed by the Board not later than 90 days before the end of the apprentice dispensing optician's final authorized renewal. Such a request must demonstrate to the satisfaction of the Board that:

(a) The apprentice dispensing optician was unable to complete the education and training requirements set forth in sections 5 and 6 of this regulation due to unforeseen or emergency circumstances, as determined by the Board, or due to other circumstances that were outside the control of the apprentice dispensing optician; and

(b) If the renewal is granted, the apprentice dispensing optician could reasonably complete any remaining education and training requirements set forth in sections 5 and 6 of this regulation within the time provided by the additional renewal of such a license.

7. An apprentice dispensing optician who makes any false statement or representation to the Board on an application for the renewal of a license or a reapplication for licensure is subject to discipline pursuant to NRS 637.150.

8. The Executive Director of the Board, an authorized employee of the Board or a designee of the Board may review and approve or deny applications for the renewal of a license pursuant to this section and in accordance with the policies of the Board.

Sec. 5. 1. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.100 must:

(a) Complete an educational program approved by the Board which includes the following areas of instruction:

(1) Ocular anatomy, physiology and refractive anomalies of the eye;

(2) Processes of vision, especially the effect of light, lenses and prisms placed before the eye;

(3) Theoretical optics;

(4) Ophthalmic vocabulary;

(5) Ophthalmic prescription interpretation, eyeglass lens and contact lens identification, fitting and adjustment of eyeglasses and use of instruments in the analysis of eyeglass lenses and contact lenses in a practical examination; and

(6) All facets of ophthalmic dispensing procedures.

(b) Receive instruction and training under the direct supervision of a licensed dispensing optician, ophthalmologist or optometrist in this State while employed at an optical establishment. Such instruction and training must include experience at the fitting table in

preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing consisting of:

(1) At least 2,000 hours of training and experience as an apprentice dispensing optician completing a 2-year apprenticeship pursuant to subparagraph (1) of paragraph (c) of subsection 1 of NRS 637.100; or

(2) At least 1,000 hours of training and experience as an apprentice dispensing optician completing a 1-year apprenticeship pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 637.100.

(c) Complete at least 100 hours of training and experience related to the fitting and filling of prescriptions for contacts lenses, as evidenced in the form and manner prescribed by the Board and signed by the licensed dispensing optician, ophthalmologist or optometrist in this State who provided such training. A dispensing optician with a limited license shall not provide any of the training required pursuant to this paragraph.

(d) Perform the accurate and correct neutralization of at least 100 pairs of prescription spectacles as evidenced on a form prescribed by the Board and signed by the licensed dispensing optician, ophthalmologist or optometrist in this State who provided such training.

2. The Board will waive the requirements of paragraphs (b) and (d) of subsection 1 for an apprentice dispensing optician who holds a limited license as a dispensing optician pursuant to NRS 637.121.

Sec. 6. 1. *An apprentice dispensing optician shall, within 6 months after the date of his or her initial licensure as an apprentice dispensing optician, submit to the Board in the form and manner prescribed by the Board evidence that he or she:*

(a) Is enrolled in an educational program approved by the Board; or

(b) Has previously completed an educational program approved by the Board or other educational program comparable to a program approved by the Board.

2. The Board, an authorized employee of the Board or a designee of the Board will inactivate the license of an apprentice dispensing optician who fails to submit evidence of experience to the Board within the time required by subsection 1. The Board will notify the apprentice dispensing optician of such action. The decision to inactivate the license may be appealed by the apprentice dispensing optician by submitting a written request to the Board within 30 days after the license becomes inactive. A license that is inactivated pursuant to this subsection is not eligible for renewal pursuant to section 4 of this regulation.

Sec. 7. 1. An apprentice dispensing optician must have on file with the Board a supervisor of record who is licensed in this State as a dispensing optician, ophthalmologist or optometrist. An apprentice dispensing optician may not have more than one supervisor of record. A licensed dispensing optician may be the supervisor of record for not more than two apprentice dispensing opticians.

2. Except as otherwise provided in this subsection, the supervisor of record of an apprentice dispensing optician must be on the premises of the optical establishment at all times to directly supervise the apprentice dispensing optician pursuant to NRS 637.125. In all instances of the absence of the supervisor of record, a substitute supervisor who is licensed in this State as a dispensing optician, ophthalmologist or optometrist must be obtained to directly supervise the apprentice dispensing optician.

3. The apprentice dispensing optician and the supervisor of record must make a sworn statement to the Board in the form and manner prescribed by the Board to conduct the apprenticeship in accordance with the provisions of this chapter and chapter 637 of NRS.

4. If a change of supervision lasts 7 days or longer, the apprentice dispensing optician and the new supervisor of record shall notify the Board of such change in supervision by submitting the sworn statement required by subsection 3 within 10 business days after the change.

5. An apprentice dispensing optician, his or her supervisor of record and his or her substitute supervisor must be employed by the same employer at the same work location.

6. An apprentice dispensing optician, his or her supervisor of record and his or her substitute supervisor must be able to read, write, speak and understand the English language.

7. The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.

Sec. 8. *1. Except as otherwise provided by specific statute, a person who does not hold a license as a dispensing optician, a limited license as a dispensing optician or a license as an apprentice dispensing optician shall not provide any ophthalmic product directly to the public.*

2. Laboratory personnel, including, without limitation, laboratory technicians, may, without obtaining a license issued pursuant to this chapter or chapter 637 of NRS, perform any act to the fullest extent for which a license is not required, including, without limitation, grinding lenses or fabricating eyewear, provided that such personnel provide ophthalmic products only and directly to licensed dispensing opticians, licensed ophthalmologists and licensed optometrists.

Sec. 9. 1. A manager of an optical establishment:

(a) Must hold a license as a dispensing optician issued pursuant to this chapter or chapter 637 of NRS; and

(b) Is responsible for overseeing all aspects of ophthalmic dispensing at the optical establishment, including, without limitation:

(1) Ensuring that all ophthalmic dispensing is performed by an appropriately licensed employee and that the optical establishment and its employees adhere to the provisions of this chapter and chapter 637 of NRS;

(2) Maintaining a current list of all licensees who are employed at the optical establishment;

(3) Displaying the current license certificates of all licensed employees in a public and conspicuous area of the optical establishment; and

(4) Ensuring the optical establishment keeps a copy of each sworn statement submitted to the Board pursuant to section 7 of this regulation that indicates the supervisor of record for each apprentice dispensing optician employed at the optical establishment.

2. A dispensing optician must notify the Board, in the form and manner prescribed by the Board, within 10 days after becoming the manager of an optical establishment, that he or she is the manager of the optical establishment. A dispensing optician shall not manage more than one optical establishment.

3. Except as otherwise provided in this subsection, the manager of an optical establishment must be on duty during the hours the optical establishment is engaged in

ophthalmic dispensing unless the manager assigns another dispensing optician to act as the substitute manager of the optical establishment.

4. An apprentice dispensing optician shall not:

(a) Act as a manager of an optical establishment; or

(b) Under any circumstances have any authority to, or act in such a manner as to supersede the authority or any decision of a dispensing optician.

5. If no dispensing optician is on duty in the optical establishment, a sign prescribed by the Board must be posted for public view at the main entrance or cashier station of the optical establishment in accordance with subsection 2 of NRS 637.090.

6. A person who has supervisory authority over a person who manages an optical establishment and intentionally influences or attempts to influence the decisions of that person relating to ophthalmic dispensing shall be deemed to have violated the provisions of NRS 637.090.

Sec. 10. 1. A dispensing optician:

(a) Shall have the following optical equipment at the place of dispensing:

(1) A lens clock;

(2) A lensometer; and

(3) A pupilometer.

(b) Shall have the following optical equipment at the place of dispensing if he or she fits contact lenses:

(1) A slit lamp;

(2) A radiuscope;

- (3) A digital or manual keratometer or autorefractor;*
 - (4) A contact lens loop;*
 - (5) A thickness and diameter gauge;*
 - (6) A fluoresceine scope; and*
 - (7) Trial contact lenses.*
- 2. All equipment must be in good working order.*
 - 3. If any equipment is used more than once, the dispensing optician must clean the equipment between each use with sanitizing wipes or spray. The dispensing optician shall comply with any guidelines for the cleanliness and sanitization of equipment and the optical establishment that are approved by the Board.*

Sec. 11. 1. The Board may inspect the place of dispensing of a licensee to ensure compliance with the provisions of this chapter and chapter 637 of NRS. This authority extends to any member of the Board and its authorized employees and designees.

2. A licensee shall provide access to facilitate an inspection initiated pursuant to subsection 1.

3. Failure to cooperate with an inspection conducted pursuant to this section constitutes grounds for disciplinary action pursuant to NRS 637.150.

4. If the Board, its members or authorized employees or designees find one or more violations of this chapter or chapter 637 of NRS as a result of the inspection, the Board may initiate disciplinary action against one or more licensees in accordance with the provisions of this chapter and chapters 233B, 622A and 637 of NRS.

Sec. 12. 1. Advertising which quotes prices of ophthalmic goods and services must set forth whether:

- (a) The advertised price includes single vision or multifocal glass or plastic lenses;**
- (b) The advertised price for contact lenses refers to “hard” or “soft” lenses;**
- (c) The advertised price of ophthalmic goods includes all dispensing fees;**
- (d) The advertised price for eyeglasses includes both frames and lenses; and**
- (e) The advertised lens price includes all lens prescription powers.**

2. Each advertisement in violation of any one of the provisions of subsection 1 is a separate offense punishable pursuant to NRS 637.150.

Sec. 13. 1. If the Board, the Executive Director of the Board, an authorized employee of the Board or a designee of the Board issues a citation pursuant to section 11 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387, the Board, Executive Director, authorized employee or designee will impose an administrative fine according to the schedule adopted in subsection 2.

2. The Board adopts the following schedule of administrative fines for any citation issued pursuant to subsection 1:

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>APPRENTICE DISPENSING OPTICIAN</i>			
<i>OR DISPENSING OPTICIAN</i>			
<i>Failure to notify the Board of a change of address pursuant to NAC 637.230</i>	<i>\$100</i>	<i>\$200</i>	<i>\$500</i>
<i>Failure to notify the Board of a change of supervisor of record pursuant to section 7 of this regulation</i>	<i>100</i>	<i>200</i>	<i>500</i>
<i>Failure to post a current license certificate in a conspicuous manner pursuant to section 9 of this regulation.....</i>	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Failure to provide access to facilitate an inspection in violation of section 11 of this regulation.....</i>	<i>200</i>	<i>500</i>	<i>1,000</i>
<i>Practicing with an expired license.....</i>	<i>500</i>	<i>1,000</i>	<i>1,500</i>

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>Dispensing a prescription ophthalmic product that is not in accordance with the standards adopted by reference pursuant to NAC 637.239</i>	<i>500</i>	<i>1,000</i>	<i>1,500</i>
<i>Dispensing without supervision in violation of subsection 3 of NRS 637.125.....</i>	<i>500</i>	<i>1,000</i>	<i>1,500</i>
<i>Supervising more than two apprentice opticians at one time in violation of subsection 1 of section 7 of this regulation.....</i>	<i>500</i>	<i>1,000</i>	<i>1,500</i>
<i>Allowing an unlicensed person to dispense ophthalmic products in violation of subsection 2 of NRS 637.125</i>	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
<i>ANY PERSON OR BUSINESS ENGAGED IN OPHTHALMIC DISPENSING</i>			
<i>Selling nonprescription cosmetic or theatrical contact lenses without a license</i>	<i>100</i>	<i>500</i>	<i>1,000</i>

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>Practicing ophthalmic dispensing without a license in violation of NRS 637.181</i>	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
<i>Employing an unlicensed person who practices ophthalmic dispensing without a license in violation of NRS 637.125</i>	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
<i>Employing a person licensed pursuant to this chapter or chapter 637 of NRS who violates subsection 2, 3 or 4 of NRS 637.125.....</i>	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
<i>Presenting oneself to the public as a dispensing optician or an apprentice dispensing optician in violation of subsection 6 of NRS 637.200</i>	<i>500</i>	<i>1,000</i>	<i>1,500</i>

3. Notwithstanding any citation issued pursuant to subsection 1 and an administrative fine imposed pursuant to subsection 2, a person who violates a provision of this chapter or chapter 637 of NRS may be ordered to appear at a hearing before the Board and is subject to the penalties set forth in NRS 637.150 and 637.181.

Sec. 14. NAC 637.001 is hereby amended to read as follows:

637.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~{637.003 to}~~ **637.007 and** 637.008 ~~{, inclusive,}~~ have the meanings ascribed to them in those sections.

Sec. 15. NAC 637.007 is hereby amended to read as follows:

637.007 “Hour of continuing education” means 50 minutes of instruction devoted to a program of continuing education ~~{that is related to the practice of ophthalmic dispensing.}~~ ***as described in NAC 637.190.***

Sec. 16. NAC 637.008 is hereby amended to read as follows:

637.008 “Hour of training and experience” means 50 minutes of instruction ~~{devoted to a program of training and experience that is related to the practice of ophthalmic dispensing.}~~ ***as described in section 5 of this regulation.***

Sec. 17. NAC 637.020 is hereby amended to read as follows:

637.020 If any of the provisions of this chapter or any application thereof to any person, thing or circumstance is held invalid, ~~{it is intended that}~~ such invalidity ***does*** not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

Sec. 18. NAC 637.100 is hereby amended to read as follows:

637.100 1. The Board will elect its officers at its first regular ~~{or special}~~ meeting ~~{after October 1}~~ of each ***fiscal*** year.

2. The term of office is 1 year.

3. Each member of the Board is entitled to receive a salary of \$150 per day while engaged in the business of the Board.

4. *Robert's Rules of Order* govern the general conduct of meetings of the Board when not otherwise provided by law. Persons who willfully disrupt meetings may be removed.

Sec. 19. NAC 637.150 is hereby amended to read as follows:

637.150 1. An application for ~~an examination required to obtain~~ a license as a dispensing optician pursuant to NRS ~~637.120~~ *637.100* must be ~~made to~~ *submitted the Board in the form and manner prescribed by* the Board. ~~on forms provided by the Board.~~

2. ~~The applicant must provide with the~~ An application ~~is~~ *submitted pursuant to subsection 1 must include, without limitation:*

(a) Proof that ~~he or she~~ *the applicant* has met the requirements set forth in NRS 637.100.

(b) Three letters concerning his or her character from references, one of which must be from a dispensing optician or a person who has worked in the optical industry with the applicant.

(c) An affidavit attesting to the truthfulness of all statements made in the application.

(d) ~~Proof of completion of the hours of training and experience required pursuant to subparagraph (2) of paragraph (f) of subsection 1 of NRS 637.100.~~

~~(e)~~ A statement indicating whether ~~he or she~~ *the applicant* has had a *disciplinary action taken or initiated against any* professional license ~~revoked or suspended~~ *issued to the applicant* in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the ~~revocation or suspension~~ *disciplinary action* and, if requested by the Board, submit to a background check.

~~(f)~~ (e) A statement indicating whether ~~he or she~~ *the applicant* has been convicted of a misdemeanor, gross misdemeanor or felony in this State or any other state or jurisdiction. If so,

the applicant must disclose the circumstances of the conviction and, if requested by the Board, submit to a background check.

~~[(g)]~~ *(f)* Proof that the applicant ~~[has accurately and correctly neutralized the prescriptions of not less than 100 pairs of prescription spectacles.]~~ *has passed the examination described in NAC 637.160.*

(g) The application fee as set forth in NAC 637.220.

3. For the purposes of paragraph ~~[(e)]~~ *(b)* of subsection 1 of NRS 637.100, the Board will consider an applicant ~~[who has received a general equivalency diploma]~~ to have graduated from the equivalent of an accredited high school ~~[]~~ *if the applicant:*

(a) Has received a general equivalency diploma from an institution recognized by the United States Department of Education; or

(b) Has graduated from a foreign secondary school and has demonstrated to the satisfaction of the Board that the education is authentic and comparable to an accredited high school education in the United States.

4. ~~[An applicant who has successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board must obtain the required 1,000 hours of training and experience.~~

~~—5.]~~ The submission of false or misleading statements , *information or documents* on the application filed with the Board or the failure to provide information required ~~[on any form]~~ *to be included in an application* is sufficient cause for the Board to reject the application or revoke the license of a dispensing optician.

~~[6.—A fee of \$100 must accompany the application.]~~

5. The Executive Director of the Board, an authorized employee of the Board or a designee of the Board may review and approve or deny applications for a license pursuant to this section and in accordance with the policies of the Board.

Sec. 20. NAC 637.160 is hereby amended to read as follows:

637.160 1. ~~{The Board's}~~ *An* examination for a license as a dispensing optician ~~{will test the dispensing skills and knowledge of the applicant.~~

~~—2.—~~ ~~The examination}~~ will test the applicant's proficiency and knowledge in the following subjects:

- (a) Neutralization of ophthalmic products;
- (b) Ophthalmic product identification;
- (c) Ophthalmic instrumentation;
- (d) Optical theory;
- (e) Dispensing of ophthalmic products;
- (f) The provisions of this chapter and chapter 637 of NRS; and
- (g) Anatomy, physiology and health of the eye.

~~{3.}~~ **2.** If an applicant for a license as a dispensing optician holds a limited license as a dispensing optician ~~{in good standing, the Board may modify the examination described in this~~

~~section to}~~ *pursuant to NRS 637.121, the exam will* test the applicant's proficiency and knowledge in the following subjects:

- (a) Neutralization of ophthalmic products;
- (b) Instrumentation and fitting;
- (c) Basic contact lens; *and*

(d) The provisions of this chapter and chapter 637 of NRS . ~~4~~ and

~~—(e) Slide identification.~~

~~—4.]~~ **3.** The Board may ~~[employ others to assist in administering the examination.]~~ *hold a meeting pursuant to NRS 241.030 to prepare, revise, administer or grade examinations.*

4. If the Board requires an applicant to obtain a certificate to qualify for licensure pursuant to this chapter or chapter 637 of NRS, such certificate must be current and valid pursuant to the policies of the issuing body at the time the applicant is issued a license by the Board.

Sec. 21. NAC 637.190 is hereby amended to read as follows:

637.190 1. ~~[Except as otherwise provided in subsection 4, a statement affirming that a dispensing optician or a dispensing optician with a limited license has completed the required hours of continuing education must be submitted to the Board at the time of license renewal. The dispensing optician or dispensing optician with a limited license must:~~

~~—(a) Sign the statement; and~~

~~—(b) For each course completed, include in the statement the:~~

~~——(1) Name of the course;~~

~~——(2) Date on which the course was completed; and~~

~~——(3) Number of hours of credit given for the course.~~

~~—2.— The Board may require a dispensing optician or a dispensing optician with a limited license to submit verification of the statement required by subsection 1. A dispensing optician or dispensing optician with a limited license who is notified by the Board that he or she has been chosen to submit verification pursuant to this subsection must submit to the Board a copy of the~~

~~certificate of completion for each course of continuing education listed by the dispensing optician or dispensing optician with a limited license on his or her statement submitted pursuant to subsection 1.~~ *Except as otherwise provided in this subsection, to qualify for the renewal of a license as a dispensing optician pursuant to NAC 637.218, the dispensing optician shall complete 14 hours of continuing education not later than December 31 of each year. A licensee may receive up to 7 hours of credit for courses completed by December 31 of the previous calendar year. At least 7 of the required hours of continuing education must be approved by the Board for instruction related to the fitting of contact lenses.*

2. *Except as otherwise provided in this subsection, to qualify for the renewal of a limited license as a dispensing optician pursuant to NAC 637.218, the dispensing optician shall complete 12 hours of continuing education not later than December 31 of each year. A licensee may receive up to 6 hours of credit for courses completed by December 31 of the previous calendar year.*

3. Each dispensing optician and dispensing optician with a limited license must retain a copy of the certificate of completion for each course of continuing education ~~{taken}~~ *used for the renewal of a license pursuant to NAC 637.218* for 3 years after the ~~{date of completion of the course of continuing education.}~~ *submission of the application to renew the license. Each dispensing optician and dispensing optician with a limited license must submit copies of such certificates upon the request of the Board.*

4. *A dispensing optician who reactivates an inactive license pursuant to NAC 637.215 may resubmit any certificates of completion submitted to the Board at the time the license of the dispensing optician was reactivated with the next renewal of the license of the dispensing*

optician provided that the courses of continuing education meet the requirements of subsection 1.

5. A dispensing optician ~~{or a dispensing optician with a limited license}~~ is not required to ~~{submit a statement described in subsection 1 or copies of certificates}~~ *complete the hours* of continuing education *required by subsection 1* for the first renewal of the license.

~~{5.}~~ 6. A dispensing optician or a dispensing optician with a limited license who fails to complete the required number of hours of continuing education or who makes any false statement or representation regarding the completion of hours of continuing education is subject to discipline pursuant to NRS 637.150.

Sec. 22. NAC 637.200 is hereby amended to read as follows:

637.200 1. Subjects for continuing education in ophthalmic dispensing include:

- (a) Mechanical and geometric optics;
- (b) The measurement, fitting and adapting of eyeglasses, contact lenses and optical prosthetics;
- (c) Optical materials and their design and uses as visual aids;
- (d) The nature and properties of light and its refraction by lenses;
- (e) The anatomy and physiology of the eye and its appendages;
- (f) The principles of management relating to ophthalmic dispensing;
- (g) The principles of ophthalmic dispensing and the wearing of contact lenses related to ophthalmology and optometry;
- (h) Refractometry;
- (i) Anatomy, physiology and health of the eye;

- (j) Ethics in ophthalmic dispensing;
- (k) Ophthalmic products;
- (l) Cardiopulmonary resuscitation training; and
- (m) The provisions of this chapter and chapter 637 of NRS.

2. Except as otherwise provided in subsection 3, the Board will approve each course of continuing education and determine the number of credits to be given for each course. A sponsor of a course shall submit to the Board an outline of the course, and any other related materials that the Board may require. ~~for approval of the course before the course is offered.~~

3. The Board may deem approved those courses of continuing education:

(a) Approved for credit by an accrediting organization recognized and approved by the Board; or

(b) Provided by a sponsor or organization that has been approved by the Board.

4. A licensee is not entitled to receive credit for a course of continuing education unless the course is approved by the Board. A licensee may ~~seek~~ *request* approval of a course ~~before attending the course to receive~~ *for* credit towards his or her hours of continuing education by submitting to the Board an outline of the course and any other related materials that the Board may require. *Any request for approval of a course must be submitted to the Board at least 90 days before the date on which the licensee submits an application for the renewal of his or her license.*

5. A licensee may not receive credit towards his or her hours of continuing education for a specific course of continuing education more than once every 3 years.

6. A ~~{dispensing optician or dispensing optician with a limited license}~~ *licensee* may satisfy the requirements for continuing education through any combination of live courses, self-study courses and courses offered over the Internet.

7. ~~{A dispensing optician with a limited license shall complete at least 12 hours of continuing education by not later than December 31 of each year. The dispensing optician with a limited license is entitled to receive credit for not more than 6 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.~~

~~—8.— A dispensing optician shall complete at least 14 hours of continuing education not later than December 31 of each year, including 7 hours of instruction related to the practice and theory of fitting contact lenses. The dispensing optician is entitled to receive credit for not more than 7 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.~~

~~—9.— A dispensing optician or dispensing optician with a limited license who completes additional hours of continuing education pursuant to subsection 7 or 8, as applicable, may not submit to the Board the certificate of completion for each course in which those additional hours of continuing education were completed unless he or she is required to do so pursuant to NAC 637.190.~~

~~—10.—~~ A ~~{dispensing optician or dispensing optician with a limited license}~~ *licensee* may receive credit for not more than 4 hours of continuing education each year for community service time spent providing dispensing optician services. Such credit:

(a) Must be evidenced ~~on~~ *in* a form ~~provided by and submitted to~~ *and manner prescribed by* the Board; ~~and~~

(b) Subject to the limit of 4 hours, will be credited on an hour-for-hour basis if approved by the Board - ; *and*

(c) May be credited towards the required number of hours of continuing education for the fitting of contact lenses only if the dispensing optician fitted and dispensed contact lenses during the community service time.

Sec. 23. NAC 637.215 is hereby amended to read as follows:

637.215 *1.* The holder of a license as a dispensing optician ~~for a limited license as a dispensing optician who has paid the fee for the transfer of the license to an inactive list as set forth in NAC 637.220:~~

~~—1.— Will remain on the inactive list for a period of 5 years, unless the holder of the license renews his or her inactive status pursuant to subsection 3 or reactivates the license pursuant to subsection 4.]~~ *who is in good standing with the Board, may submit an application in the form and manner prescribed by the Board to inactivate such a license.*

2. ~~[Is not required to obtain the credits for continuing education required for the holder of an equivalent license that is on active status.~~

~~—3.— May renew his or her inactive status]~~ *An inactive license is valid for a term of 5 years. A licensee may renew an inactive license for a second 5-year period. A license may not be inactive for a period of more than 10 consecutive years.*

3. To renew his or her inactive status, the holder of the license must submit to the Board a written ~~notice of extension.~~

- ~~—4. May reactivate his or her license by:~~
- ~~—(a) Submitting a letter to the Board requesting the reactivation of the license;~~
- ~~—(b) Obtaining, within the 12 months immediately preceding the submission of the letter requesting reactivation of the license:~~
- ~~——(1) If the holder is a dispensing optician, 14 hours of continuing education credits, as required pursuant to NAC 637.200; or~~
- ~~——(2) If the holder is a dispensing optician with a limited license, 12 hours of continuing education credits, as required pursuant to NAC 637.200;~~
- ~~—(c) Submitting an application for the renewal of a license; and~~
- ~~—(d) Paying] request in the form and manner prescribed by the Board and pay the fee for [reactivation] the renewal of the of the inactive license as set forth in NAC 637.220.~~

4. An inactive license as a dispensing optician that expires because it is not renewed pursuant to subsection 3 or is not reactivated before exceeding the time limit provided in subsection 2 may not be reinstated.

5. The holder of an inactive license may reactivate such license by:

(a) Submitting an application for renewal pursuant to NAC 637.218;

(b) Paying the fee to renew a license as a dispensing optician set forth in NAC 637.220;

and

(c) Completing any hours of continuing education required pursuant to NAC 637.190.

6. A person who holds an inactive license as a dispensing optician:

(a) Is not required to obtain the continuing education hours required pursuant to NAC 637.190 while such license is inactive.

(b) Shall not perform any act for which a license is required pursuant to this chapter or chapter 637 of NRS.

7. The Executive Director of the Board, an authorized employee of the Board or a designee of the Board may review and approve or deny applications for the renewal or reactivation of a license pursuant to this section and in accordance with the policies of the Board.

Sec. 24. NAC 637.218 is hereby amended to read as follows:

637.218 *1. A ~~{dispensing optician who fails to renew his or her license or limited license before the license or limited}~~ license **as a dispensing optician or a limited license as a dispensing optician** expires on January 31 of each year . ~~{may have the license or limited license reinstated if the dispensing optician:~~*

- ~~—1.— Applies for reinstatement within 2 years of the expiration of the license or limited license;~~
- ~~—2.— Provides proof of completion of any required continuing education;~~
- ~~—3.— Pays any renewal fee set forth in NAC 637.220 that is not waived; and~~
- ~~—4.— Pays the delinquency}~~ *An application for the renewal of any such license must be submitted in the form and manner prescribed by the Board and must include, without limitation:*

(a) A statement affirming that the dispensing optician has completed the hours of continuing education required pursuant to NAC 637.190. The statement must include, for each course completed:

- (1) The title of the course;*
- (2) The date on which the course was completed;*

- (3) *The number of credit hours given for the course; and*
- (4) *Whether the course is approved by the Board for contact lens instruction.*
- (b) *Any changes to the employer of the dispensing optician or the business address not previously reported to the Board.*
- (c) *Any renewal fee set forth in NAC 637.220.*
2. *A license as a dispensing optician or a limited license as a dispensing optician that is not renewed by January 31 is delinquent. Not later than 1 year after the date on which such a license becomes delinquent, a licensee may apply to reinstate a delinquent license by submitting an application to renew such license and paying the fee prescribed in NAC 637.220.*
3. *A dispensing optician or a dispensing optician with a limited license who makes any false statement or representation to the Board on an application for the renewal of a license is subject to discipline pursuant to NRS 637.150.*
4. *The Executive Director of the Board, an authorized employee of the Board or a designee of the Board may review and approve or deny applications for the renewal of a license pursuant to this section and in accordance with the policies of the Board.*

Sec. 25. NAC 637.220 is hereby amended to read as follows:

- 637.220 1. Unless waived pursuant to subsection 2, the fee for : ~~{the annual renewal of a:}~~
- (a) ~~{License}~~ *An application for an initial license as ~~{a}~~ an apprentice dispensing optician is ~~{\$300.}~~ \$100.*
- (b) ~~{Limited}~~ *An application for an initial license as a dispensing optician is ~~{\$200.}~~ \$150.*
- (c) *The annual renewal of a license as an apprentice dispensing optician is \$100.*

(d) The annual renewal of a license as a dispensing optician is \$350.

(e) The annual renewal of a limited license as a dispensing optician is \$200.

2. The Board will waive the annual renewal fee set forth in subsection 1 for:

(a) The first renewal if the initial license ~~for limited license~~ was issued ~~to the dispensing optician~~ on or after November 1; or

(b) The first renewal if the license ~~for limited license~~ was reactivated on or after November

1.

3. The annual delinquency fee for the reinstatement of a:

(a) *License as an apprentice dispensing optician is \$100.*

(b) License as a dispensing optician is \$300.

~~(b)~~ (c) Limited license as a dispensing optician is \$200.

4. The fee for the ~~transfer~~ *inactivation of a license as a dispensing optician or the renewal of a:*

~~(a) License as a dispensing optician to an inactive list is \$300.~~

~~(b) Limited license as a dispensing optician to an inactive list is \$200.~~

~~5. The fee for the reactivation of a:~~

~~(a) License as a dispensing optician~~ *such an inactive license* is \$300.

~~(b) Limited license as a dispensing optician is \$200.~~

Sec. 26. NAC 637.230 is hereby amended to read as follows:

637.230 1. Each licensee in this State shall file with the Board the licensee's home or mailing address , *electronic mail address* and business address.

2. ~~The~~ *A licensee shall notify the* Board ~~must be notified~~ *in the manner prescribed by the Board* of a change of a licensee's home *or mailing* address *or electronic mail address* within 30 days of such change.

3. ~~The~~ *A licensee shall notify the* Board ~~must be notified~~ *in the manner prescribed by the Board* of a change of a licensee's business address within 10 days of such change.

Sec. 27. NAC 637.235 is hereby amended to read as follows:

637.235 1. As used in paragraph ~~(4)~~ *(h)* of subsection ~~4~~ *6* of NRS 637.150, the Board will interpret the phrase ~~“unethical”~~ *“other conduct which the Board has determined is unethical* or unprofessional *”* ~~conduct~~ to include, without limitation:

- (a) Performing acts beyond the scope of the practice of ophthalmic dispensing;
- (b) Performing dispensing duties while under the influence of intoxicating liquor or a controlled substance;
- (c) Presenting any false or deceptive information to the Board or the public;
- (d) Engaging in the sexual harassment of any employee or consumer ~~is~~, *including, without limitation, making unwelcome sexual advances, requests for sexual favors or other speech or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with the work performance of an employee or creating an environment which is intimidating, hostile or offensive to an employee or consumer;*
- (e) Attempting to obtain or retain a consumer, either directly or indirectly, by way of intimidation, coercion or deception;
- (f) Engaging in conduct that would lead to the harm or endangerment of the public;
- (g) ~~Engaging in conduct that would be a violation of NAC 637.237;~~

~~—(c)~~ Violating an order issued by the Board; or

~~{(i)}~~ **(h)** Failing to cooperate with an investigation conducted by the Board, including, without limitation, failing to provide documents requested by a member of the Board, the staff of the Board or an investigator for the Board.

2. In addition to the conduct listed in subsection 1, the Board will further interpret the phrase ~~{“unethical”}~~ **“other conduct which the Board has determined is unethical** or unprofessional ” ~~{conduct”}~~ to include ~~{a supervisor of record}~~ :

(a) A dispensing optician who allows an apprentice dispensing optician whom the ~~{supervisor of record}~~ **dispensing optician** directly supervises to perform any task:

~~{(a)}~~ **(1)** For which the apprentice dispensing optician is not trained;

~~{(b)}~~ **(2)** Which is outside the scope of practice of an apprentice dispensing optician; or

~~{(c)}~~ **(3)** Without the direct supervision of the ~~{supervisor of record}~~.

~~—3.— As used in this section:~~

~~—(a) “Directly supervise” means physically providing individual direction, control, inspection and evaluation of work based on the training, experience and education of the apprentice dispensing optician, and any other relevant factors.~~

~~—(b) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an environment which is intimidating, hostile or offensive to an employee or consumer.~~

~~—(c) “Supervisor of record” means an ophthalmologist, an optometrist or a dispensing optician who directly supervises an apprentice} dispensing optician.~~

(b) An apprentice dispensing optician who performs any act for which a license is required pursuant to this chapter or chapter 637 of NRS:

(1) Without the direct supervision of a licensed dispensing optician, ophthalmologist or optometrist; or

(2) In violation of the express instructions of the licensed dispensing optician, ophthalmologist or optometrist who is supervising the apprentice dispensing optician.

Sec. 28. NAC 637.239 is hereby amended to read as follows:

637.239 1. The Board hereby adopts by reference for use in this State the recommendations of the American National Standards Institute for prescription ophthalmic lenses set forth in ANSI ~~Z80.1-2005,~~ **Z80.1-2020**, as those standards existed on April ~~17, 2008,~~ **6, 2021**.

2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 90 days after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

3. A copy of the publication adopted by reference in subsection 1 may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at ~~(212) 642-4900~~ **(212) 642-4980** or at the Internet address

~~<http://www.webstore.ansi.org>~~ <https://webstore.ansi.org>, at a price of ~~[\$63.20 for members and \$79.00 for nonmembers.]~~ **\$80.**

Sec. 29. NAC 637.335 is hereby amended to read as follows:

637.335 1. A complaint filed pursuant to ~~[NAC 637.333]~~ *section 10 of Assembly Bill No. 415, chapter 223, Statutes of Nevada 2023, at page 1387*, must ~~†~~:

~~—(a) Be on a form prescribed by the Board;~~

~~—(b) Be signed and verified by the person filing the complaint, under penalty of perjury; and~~

~~—(c) Include]~~ **include** the name, address and telephone number of the person filing the complaint.

2. The ~~[form prescribed by]~~ *Executive Director of* the Board ~~[must state that:~~

~~—(a) The person making the complaint may be required to testify at a judicial or administrative proceeding; and~~

~~—(b) The]~~, *an authorized employee of the* Board ~~[may send a notice and copy of the complaint to the licensee or the person who is the subject of the complaint.]~~ *or a designee of the Board:*

(a) Shall review each complaint to determine whether the information, alone or taken together with other evidence, documentary or otherwise, is sufficient to the require an investigation;

(b) May cause any complaint to be investigated; and

(c) May enlist the assistance of a member of the Board, an authorized employee of the Board or an independent investigator in the conduct of an investigation.

Sec. 30. NAC 637.410 is hereby amended to read as follows:

637.410 1. A person appearing in a proceeding before the Board shall ~~be~~ *conform to the standards of* ethical and courteous ~~+~~ *conduct required in the courts of this State.*

2. The Board may remove a person from a proceeding for a violation of this section.

Sec. 31. NAC 637.470 is hereby amended to read as follows:

637.470 1. Except as otherwise provided in subsection 2, all notices, documents, advisory opinions and declaratory orders required to be served by the Board will be served by mail to the last known home address provided to the Board by the addressee, and service thereof will be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail. Parties will be notified either personally or by certified mail of any adverse decision or order.

2. Notice of a disciplinary hearing will be served either personally or by certified mail upon the dispensing optician or apprentice dispensing optician who is the subject of the disciplinary hearing. ~~If an apprentice dispensing optician is the subject of a disciplinary hearing, the Board will also notify the employer of the apprentice dispensing optician by mailing a copy of the charging document and a copy of the notice of the disciplinary hearing by certified mail to the last known address of the employer to the attention of the ophthalmic manager at the same time notice is given to the subject of the disciplinary hearing.~~

3. All documents required to be served by a party must be served by mail to the last known address provided to the Board by the addressee, and service thereof shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail.

4. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders must be served upon the attorney and such service is effective for all purposes upon the party represented by the attorney.

Sec. 32. NAC 637.620 is hereby amended to read as follows:

637.620 1. A proceeding stands submitted for decision by the Board after the taking of evidence, the filing of briefs or motions, or the presentation of such oral argument permitted by the Board.

2. Orders or decisions will be rendered within 90 days of the completion of the proceeding or of the Board meeting at which the matter is last considered, unless a shorter time is required by statute.

3. Decisions and orders of the Board will be served by sending a copy thereof by ~~regular~~ ~~and~~ certified mail to the parties of record or their representatives or by personal service.

~~{Additional copies of orders may be obtained upon written request.}~~

Sec. 33. NAC 637.650 is hereby amended to read as follows:

637.650 1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of a statutory provision or a regulation or decision of the Board.

2. All petitions for declaratory orders and advisory opinions must be in writing on a form prescribed by the Board.

3. Except as otherwise provided in subsection 4, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.

4. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.

5. At the meeting described in subsection 3 or 4, the Board will grant or deny the petition. If the Board denies the petition, no further action will be taken.

6. A petitioner must comply with the provisions of a declaratory order or advisory opinion rendered by the Board.

Sec. 34. NAC 637.700 is hereby amended to read as follows:

637.700 1. ~~Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.~~

~~2.~~ A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and include:

- (a) The name , *phone number* and address of the petitioner;
 - (b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;
 - (c) The proposed language of the regulation to be adopted, filed or amended or the existing language of the regulation to be repealed, as applicable;
 - (d) The statutory authority for the adoption, filing, amendment or repeal of the regulation;
- and
- (e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

~~3.~~ 2. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection ~~1.~~

~~4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition.} *1.*~~

3. If the Board ~~{approves}~~ *denies* the petition ~~{for the adoption, filing, amendment or repeal of the regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.}~~ *, no further action will be taken.*

Sec. 35. NAC 637.003, 637.006, 637.009, 637.110, 637.120, 637.123, 637.125, 637.130, 637.132, 637.140, 637.144, 637.148, 637.225, 637.237, 637.241, 637.245, 637.250, 637.260, 637.263, 637.265, 637.280, 637.285, 637.290, 637.300, 637.310, 637.320, 637.333, 637.337, 637.340, 637.390, 637.460, 637.480, 637.550, 637.660, 637.670, 637.680 and 637.690 are hereby repealed.

TEXT OF REPEALED SECTIONS

637.003 “Board” defined. “Board” means the Board of Dispensing Opticians.

637.006 “Dispensing optician” defined. “Dispensing optician” means a person engaged in the practice of ophthalmic dispensing.

637.009 “Manage a business engaged in ophthalmic dispensing” interpreted. As used in this chapter and NRS 637.090, the Board will interpret the term “manage a business engaged in ophthalmic dispensing” to mean having the responsibility for ophthalmic dispensing and having direct supervisory responsibility for employees who engage in ophthalmic dispensing, including employees who are not licensed pursuant to this chapter and chapter 637 of NRS, at a single place of business.

637.110 Meetings.

1. A majority vote of a quorum of the Board is necessary to conduct business.
2. *Robert’s Rules of Order* govern the general conduct of meetings of the Board when not otherwise provided by these rules or by law. Persons who willfully disrupt meetings may be removed.
3. Special meetings may be called by the President of the Board on his or her own motion or by written consent of two or more other Board members.

637.120 Salary of members. Each member of the Board is entitled to receive a salary of \$150 per day while engaged in the business of the Board, including, without limitation, a meeting conducted pursuant to NAC 637.110 and a proceeding conducted pursuant to NAC 637.310 to 637.700, inclusive.

637.123 Inspections: Authority of Board; licensee to provide access; failure to cooperate; disciplinary action.

1. The Board may inspect the place of dispensing of a licensee to ensure compliance with the provisions of this chapter and chapter 637 of NRS. This authority extends to any member of the Board and its authorized employees and designees.

2. A licensee shall provide access to facilitate an inspection initiated pursuant to subsection 1.

3. Failure to cooperate with an inspection conducted pursuant to this section constitutes grounds for disciplinary action pursuant to NRS 637.150.

4. If the Board, its members or authorized employees or designees note one or more violations of this chapter or chapter 637 of NRS as a result of the inspection, the Board may initiate disciplinary action against one or more licensees in accordance with the provisions of this chapter and chapters 233B, 622A and 637 of NRS.

637.125 Hearings and investigations; taking evidence. In a manner consistent with the provisions of chapter 622A of NRS, the Board may hold hearings and conduct investigations relating to its duties under this chapter and chapter 637 of NRS and take evidence on any matter under inquiry before the Board.

637.130 Definitions. As used in NAC 637.130 to 637.230, inclusive, unless the context otherwise requires:

1. “Dispensing optician” means a person who holds a license as a dispensing optician pursuant to NRS 637.120; and

2. “Dispensing optician with a limited license” means a person who holds a limited license as a dispensing optician pursuant to NRS 637.121.

637.132 Special license: Interpretation of statutory requirements. With respect to an applicant for a special license as a dispensing optician pursuant to NRS 637.127, the Board will interpret:

1. The requirement of passing an examination administered by the Board set forth in paragraph (i) of subsection 1 of NRS 637.127 to mean that the applicant must pass the Board's examination for a license as a dispensing optician set forth in NAC 637.160.

2. The requirement of 5 years of experience as a dispensing optician set forth in subparagraph (2) of paragraph (j) of subsection 1 of NRS 637.127 to include as a portion thereof the requirement of 100 hours of experience relating to the fitting and filling of prescriptions for contact lenses set forth in subsection 1 of NAC 637.148.

637.140 License required to provide ophthalmic products directly to public; authorized scope of practice of laboratory personnel.

1. Except as otherwise provided by specific statute, a person who does not hold a license as a dispensing optician, a limited license as a dispensing optician or a license as an apprentice dispensing optician shall not provide any ophthalmic products directly to the public.

2. Laboratory personnel, including, without limitation, laboratory technicians, shall be deemed not to be engaged in the practice of ophthalmic dispensing and are not required to be licensed pursuant to NRS 637.090 if the laboratory personnel:

(a) Except as otherwise provided in subsection 3, do not perform any of the acts described in subsection 1 or 2 of NRS 637.022; and

(b) Provide ophthalmic products only and directly to licensed dispensing opticians, licensed ophthalmologists and licensed optometrists.

3. Without obtaining a license pursuant to this chapter and chapter 637 of NRS, a laboratory technician may perform any act to the fullest extent for which a license is not required pursuant

to this chapter and chapter 637 of NRS, including, without limitation, grinding lenses or fabricating eyewear, as described in paragraph (b) of subsection 2 of NRS 637.022.

4. As used in this section, “ophthalmic products” includes, without limitation:

(a) Ophthalmic lenses for sunglasses, dive masks, sports goggles and occupational goggles;

(b) Ophthalmic prescription lenses;

(c) Ophthalmic devices that have dioptric power and are attached to eyeglasses; and

(d) All prescription and nonprescription contact lenses, including, without limitation, prepackaged contact lenses, individual contact lenses, cosmetic contact lenses and theatrical contact lenses.

637.144 Requirements for managing ophthalmic dispensing.

1. An ophthalmic manager:

(a) Must be a dispensing optician or a dispensing optician with a limited license;

(b) Is responsible for supervising the ophthalmic dispensing and the consulting on optical fashions conducted at a business engaged in ophthalmic dispensing; and

(c) Must, within 10 days after becoming the ophthalmic manager of the business, notify the Board, in writing, that he or she is the ophthalmic manager.

2. Each ophthalmic dispensing area of a business engaged in ophthalmic dispensing must have an ophthalmic manager as described in subsection 1 and a business manager.

3. The ophthalmic manager and the business manager may be the same person. The ophthalmic manager must be in charge of the ophthalmic dispensing area and have ultimate authority with respect to any matter relating to ophthalmic dispensing governed by the provisions of this chapter or chapter 637 of NRS, and the decision of the ophthalmic manager with respect

to any such matter may not be superseded by the business manager. If the business manager is not the ophthalmic manager, the business manager may not make decisions concerning ophthalmic dispensing but may make other business decisions.

4. An apprentice dispensing optician shall not:

(a) Act as an ophthalmic manager or a business manager; or

(b) Under any circumstances have any authority to, or act in such a manner as to, supersede the authority or any decision of a dispensing optician or a dispensing optician with a limited license.

637.148 Completion and proof of required hours of training and experience.

1. Except as otherwise provided in subsection 3, an applicant for a license as a dispensing optician must furnish proof on a form provided by the Board and signed by the supervisor of the applicant that he or she has completed the following hours of training and experience relating to the fitting and filling of prescriptions for contact lenses required pursuant to subparagraph (2) of paragraph (f) of subsection 1 of NRS 637.100:

(a) Thirty hours of contact lens fitting;

(b) Twenty hours of follow-up care relating to contact lens fitting;

(c) Twenty hours of instrumentation;

(d) Fifteen hours of insertion and removal of contact lenses;

(e) Ten hours of inspection of contact lenses; and

(f) Five hours of filling prescriptions for contact lenses.

2. The completion of one or more courses of instruction in contact lens fitting or contact lens theory in a school which offers a degree of associate in applied science for studies in

ophthalmic dispensing approved by the Board may count toward the completion of the hours of training and experience described in subsection 1.

3. The Board may request and accept other documentation proving that an applicant has completed the hours of training and experience described in subsection 1.

4. As used in subsection 1, “supervisor” means an ophthalmologist, an optometrist or a dispensing optician.

637.225 Issuance of duplicate license. The Board may, upon the receipt of a written application and the payment of a fee of \$25, issue a duplicate license to the applicant.

637.237 Use of supervisory authority over person who manages business engaged in ophthalmic dispensing. A person who has supervisory authority over a person who manages a business engaged in ophthalmic dispensing and intentionally influences or attempts to influence the decisions of that person relating to ophthalmic dispensing shall be deemed to have violated the provisions of NRS 637.090.

637.241 Equipment for dispensing opticians; general requirements.

1. A dispensing optician:

(a) Shall have the following optical equipment at the place of dispensing:

(1) A lens clock;

(2) A lensometer; and

(3) A pupilometer.

(b) May have such additional equipment as he or she determines necessary.

2. All equipment must be in good working order.

637.245 Equipment for fitting contact lenses. A dispensing optician shall not fit contact lenses unless the dispensing optician has access to equipment for fitting contact lenses on the premises, including, without limitation:

1. A slit lamp;
2. A radioscope;
3. A keratometer;
4. A contact lens loop;
5. A thickness and diameter gauge;
6. A fluoresceine scope; and
7. Trial lenses.

637.250 Advertising which quotes prices of ophthalmic goods and services.

1. Advertising which quotes prices of ophthalmic goods and services must include the following information:

- (a) Whether the advertised price includes single vision or multifocal glass or plastic lenses;
- (b) Whether the advertised price for contact lenses refers to “hard” or “soft” lenses;
- (c) Whether the advertised price of ophthalmic goods includes all dispensing fees;
- (d) Whether the advertised price for eyeglasses includes both frames and lenses; and
- (e) Whether the advertised lens price includes all lens prescription powers.

2. Each advertisement in violation of any one of the provisions of subsection 1 is a separate offense punishable pursuant to NRS 637.150.

637.260 Qualifications for licensure; application; fee.

1. To qualify for licensure as an apprentice dispensing optician, an applicant must furnish proof that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Is a graduate of an accredited high school or its equivalent.

2. Each person desiring to be employed as an apprentice dispensing optician must file an application with the Board stating:

(a) The date of the application for licensure.

(b) The name and address of the optical establishment where the apprenticeship will be conducted.

(c) The name and license number of the supervisory ophthalmologist, optometrist or dispensing optician.

(d) The name and license number of the ophthalmic manager of the optical establishment where the apprenticeship will be conducted and, if applicable, the name of the business manager.

(e) A statement indicating whether he or she has had a professional license revoked or suspended in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the revocation or suspension and, if requested by the Board, submit to a background check.

(f) A statement indicating whether he or she has been convicted of a misdemeanor, gross misdemeanor or felony in this State or any other state or jurisdiction. If so, the applicant must

disclose the circumstances of the conviction and, if requested by the Board, submit to a background check.

3. Each application must be certified under oath by the applicant and the supervising ophthalmologist, optometrist or dispensing optician.

4. A fee of \$100 must accompany each application. The fee will not be refunded.

637.263 Reinstatement of expired license; reapplication for licensure.

1. Except as otherwise provided in subsection 2 and NAC 637.285, an apprentice dispensing optician who fails to renew his or her license before the license expires on January 31 of each year may have the license reinstated if the apprentice dispensing optician:

(a) Pays any renewal fee set forth in NAC 637.265 that is not waived; and

(b) Pays the delinquency fee set forth in NAC 637.265.

2. The Board will not reinstate the delinquent license of an apprentice dispensing optician who does not apply for reinstatement before March 1 of each year.

3. An apprentice dispensing optician whose license is not reinstated pursuant to subsection 2 may reapply for licensure as an apprentice dispensing optician pursuant to NAC 637.260 not sooner than 1 year after the expiration date of his or her license.

637.265 Fee for renewal or reinstatement of license; waiver of renewal fee for first renewal of license.

1. Unless waived, the fee for the annual renewal of a license as an apprentice dispensing optician is \$100. The Board will waive the annual renewal fee for the first renewal if the initial license was issued to the apprentice dispensing optician on or after November 1.

2. The annual delinquency fee for reinstatement of a license as an apprentice dispensing optician is \$100.

637.280 Supervision of apprentice; notice of permanent change of supervision.

1. An apprentice dispensing optician must have on file with the Board a supervisor of record who is licensed in this State. An apprentice dispensing optician may not have more than one supervisor of record. A licensed dispensing optician may be the supervisor of record for not more than two apprentice dispensing opticians.

2. Except as otherwise provided in this subsection, the supervisor of record of an apprentice dispensing optician must be on the premises of the optical establishment at all times to directly supervise the apprentice dispensing optician. In all instances of the absence of the supervisor of record, a substitute supervisor who is licensed in this State must be obtained to directly supervise the apprentice dispensing optician.

3. When a permanent change of supervision is made, the apprentice dispensing optician shall notify the Board, in writing, of the permanent change within 10 business days after the permanent change.

4. A supervisor of record or a substitute supervisor shall not directly supervise more than two apprentice dispensing opticians at any one time.

5. Except as otherwise provided in subsection 6, an apprentice dispensing optician and his or her supervisor of record must be employed by the same employer at the same work location.

6. An apprentice dispensing optician may be directly supervised by any licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, licensed ophthalmologist or licensed optometrist in order to complete the 100 hours of training and experience in the fitting

and filling of prescriptions for contact lenses required pursuant to subparagraph (2) of paragraph (g) of subsection 1 of NRS 637.100.

7. An apprentice dispensing optician, his or her supervisor of record and his or her substitute supervisor must be able to read, write, speak and understand the English language.

8. The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.

9. As used in this section:

(a) “Directly supervise” means physically providing individual direction, control, inspection and evaluation of work based on the training, experience and education of the apprentice dispensing optician, and any other relevant factors.

(b) “Permanent change” means a change in the supervisor of record of an apprentice dispensing optician that lasts 7 days or longer.

(c) “Supervisor of record” means an ophthalmologist, an optometrist or a dispensing optician who directly supervises the apprentice dispensing optician.

637.285 Evidence of enrollment in educational program on theory of ophthalmic dispensing or adequate prior ophthalmic experience; inactivation of license for failure to comply; appeal of decision to inactivate; time limit for completion of program; request for extension; effect of failure to complete program.

1. An apprentice dispensing optician shall, within 6 months after the date of his or her initial licensure as an apprentice dispensing optician, submit evidence to the Board that he or she:

(a) Is enrolled in an educational program on the theory of ophthalmic dispensing approved by the Board; or

(b) Has received adequate prior ophthalmic experience in lieu of the completion of an educational program described in paragraph (a).

2. The Board will inactivate the license of an apprentice dispensing optician who fails to enroll in an educational program or fails to submit evidence of experience to the Board and within the time required by subsection 1. The Board will notify the apprentice dispensing optician of such action. The decision to inactivate the license may be appealed by the apprentice dispensing optician by submitting a written request to the Board within 30 days after the license becomes inactive.

3. Except as otherwise provided in subsection 4, an apprentice dispensing optician who is required to complete the educational program required by paragraph (a) of subsection 1 must complete the program not more than 40 months after the date of his or her initial licensure as an apprentice dispensing optician.

4. An apprentice dispensing optician may request an extension of the 40-month time limit imposed by subsection 3. Such an extension:

(a) May not exceed 12 months; and

(b) Must be requested on a form provided by and submitted to the Board not later than 90 days before the expiration of the 40-month time limit imposed by subsection 3.

5. Upon receipt of a request for an extension pursuant to subsection 4, the Board will grant the request if the Board finds that:

(a) The reason for or cause necessitating the request for an extension is the result of circumstances that are emergent or were unforeseeable or otherwise outside the control of the apprentice dispensing optician;

- (b) The length of the requested extension is reasonable under the circumstances; and
- (c) The apprentice dispensing optician will be able to complete his or her educational program within the requested extension of time.

6. An apprentice dispensing optician who fails to complete his or her educational program in the time required by this section may not renew his or her license as an apprentice dispensing optician.

7. An apprentice dispensing optician who is not allowed to renew his or her license pursuant to subsection 6 may reapply for initial licensure as an apprentice dispensing optician not sooner than 1 year after the date on which his or her previous license as an apprentice dispensing optician expired.

637.290 Training and experience; areas of instruction.

1. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 must receive instruction and personal supervision in the skills required in an optical establishment and in related duties during the 3 years of training required pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 637.100. Such training must include at least 2,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.

2. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 and who has successfully completed a course of study in a school which offers a degree of associate of science in ophthalmic dispensing must receive at least 1,000 hours of training and experience at the fitting table and in preparing laboratory orders,

verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.

3. The completion of one or more courses taught in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing may count toward the completion of the hours of training and experience required pursuant to subsections 1 and 2 if the courses:

(a) Provide the apprentice dispensing optician with instruction equivalent to training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory or the performance of other duties related to ophthalmic dispensing; and

(b) Are approved by the Board.

4. Upon approval by the Board, if an apprentice dispensing optician holds a limited license as a dispensing optician in good standing, the hours of training and experience that he or she received as a dispensing optician with a limited license may count towards the hours of training and experience required pursuant to subsections 1 and 2.

5. Areas of instruction for apprenticeship must include the following:

(a) Ocular anatomy, physiology and refractive anomalies of the eye;

(b) Processes of vision, especially the effect of light, lenses and prisms placed before the eye;

(c) Theoretical optics;

(d) Ophthalmic vocabulary;

(e) Ophthalmic prescription interpretation, eyeglass lens and contact lens identification, fitting and adjustment of eyeglasses, and use of instruments in the analysis of eyeglass lenses and contact lenses in a practical examination;

- (f) All facets of ophthalmic dispensing procedures; and
- (g) The provisions of this chapter and chapter 637 of NRS.

637.300 Change of employer. An amended application on a form prescribed by the Board must be submitted by an apprentice dispensing optician within 10 days after his or her employment changes. The Board will not approve more than 10 days of experience gained by an apprentice dispensing optician with a new employer before the amended application is received by the Board.

637.310 Scope. NAC 637.310 to 637.700, inclusive, govern practice and procedure before the Board.

637.320 Communications. Any formal written communication, payment or document must be addressed to the Board at its office and is deemed filed or made on the date of the postmark on the envelope in which it was mailed in accordance with the provisions of NRS 238.100.

637.333 Authority to file complaint. Any member of the Board or public may file a written complaint with the Board if he or she believes:

1. A licensee has violated a provision of this chapter or chapter 637 of NRS;
2. An unlicensed person is engaged in activities requiring a license pursuant to the provisions of this chapter or chapter 637 of NRS; or
3. A person employs a dispensing optician, apprentice dispensing optician or other person in violation of NRS 637.125.

637.337 Review and investigation of complaint; filing of charging document.

1. The Executive Director of the Board:

(a) Shall review each complaint to determine whether the information, alone or taken together with other evidence, documentary or otherwise, is sufficient to require an investigation; and

(b) May cause any complaint to be investigated.

2. The Executive Director may enlist the assistance of a member of the Board in the conduct of an investigation if the Executive Director determines that such assistance is in the best interests of reaching a complete, fair and just determination of the matter.

3. If the Executive Director determines pursuant to an investigation that allegations of one or more violations of the provisions of this chapter or chapter 637 of NRS have been substantiated, the Executive Director shall prepare a charging document in accordance with NRS 622A.300. The charging document may be filed against:

(a) A licensee who is alleged to have violated a provision of this chapter or chapter 637 of NRS;

(b) An unlicensed person who is alleged to have engaged in activities requiring a license pursuant to the provisions of this chapter or chapter 637 of NRS; or

(c) A person who is alleged to have employed a dispensing optician, apprentice dispensing optician or other person in violation of NRS 637.125.

637.340 Classification of parties.

1. A party in a proceeding before the Board must be called applicant, petitioner, complainant or respondent, according to the nature of the proceeding and the relationship of the party thereto.

2. An “applicant” is a person who is applying or petitioning for any privilege, license or authority from the Board.

3. A “petitioner” is a person, other than a complainant, who is petitioning the Board for affirmative relief.

4. A “complainant” is a person who is complaining to the Board of any act or of any person.

5. A “respondent” is a person against whom any complaint is filed or investigation is initiated.

637.390 Service of process on attorney. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders must be served upon the attorney and such service is effective for all purposes upon the party represented by the attorney.

637.460 Filing.

1. At least one copy of all pleadings, motions and briefs must be filed with the Board by mailing or delivering the copy or copies to the office of the Board.

2. A copy of all pleadings, motions and briefs filed with the Board must also be mailed or delivered to the Board’s counsel of record in the proceeding at the same time the pleadings, motions and briefs are filed with the Board.

637.480 Proof of service. There will be included with all charging documents and orders required to be served by the Board an acknowledgment of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) (by mailing a copy thereof, properly addressed, with postage prepaid to).

Dated at, this(day) of(month) of(year)

Signature

637.550 Testimony must be under oath. All testimony to be considered by the Board in any proceeding, except matters noticed officially or entered by stipulation, must be sworn testimony. Each witness must swear or affirm that the testimony he or she is about to give in the proceeding before the Board will be the truth, the whole truth, and nothing but the truth.

637.660 Procedure for consideration of petition.

1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.
2. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.
3. At the meeting described in subsection 1 or 2, the Board will consider any information relevant to the petition, including, without limitation:
 - (a) Taking testimony on the petition; and
 - (b) Receiving evidence.
4. The Board will then grant or deny the petition.
5. If the Board denies the petition, no further action will be taken.

637.670 Draft of order or opinion by member of Board; approval by Board. If the Board grants a petition pursuant to subsection 4 of NAC 637.660, the Board will issue a declaratory order or advisory opinion, as applicable. The President of the Board or other presiding officer shall assign one member of the Board to write the order or opinion. The member has 30 days within which to submit to the Board a draft, after reviewing comments by all other members on the issue, researching the issue and seeking the assistance of legal counsel, if necessary. Upon completion of the draft, the assigned member shall submit it to the Board for approval at the next regularly scheduled meeting of the Board. To be issued as a final declaratory order or advisory opinion of the Board, the draft of the order or opinion must be approved by a majority of the members of the Board who are present at the meeting.

637.680 Notice. After the Board renders its order or opinion, the Board will serve notice of it to the petitioner pursuant to NAC 637.470 and 637.480.

637.690 Compliance with opinion or order. A petitioner must comply with the provisions of a declaratory order or advisory opinion rendered by the Board.