

Board of Dispensing Opticians: Informational Report – Executive Order 2023-003

Pursuant to Executive Order 2023-003, a report must be submitted with the following information:

Section 1 - Comprehensive Review of Regulations

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

The report must include for each regulation identified in the comprehensive review that can be streamlined, clarified, reduced, or otherwise improved to ensure that the regulation provide for the general welfare of the State without unnecessarily inhibiting economic growth:

1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.
Please see Attachment for the citation of each regulation proposed for modification, in blue and red text, as required. The individual citations are also listed in the table on page 3.
2. A clear and concise explanation on why such change should occur.
Please see the Attachment for an explanation of why each change should occur, highlighted in yellow.
3. Information for each public meeting held to discuss the proposed regulation change, as mandated by Section 3 of Executive Order 2023-003, which must include:
 - a. The date of the meeting(s) and number of persons who attended;
The Board of Dispensing Opticians (Board) held a meeting via teleconference on 4/20/2023, which was attended by 43 persons.
 - b. Information for each person who provided public oral or written comment or testimony on the regulation:
 - i. *Kyler Lund, LDO 657; 702-270-6660*
 - ii. *Jeff Zeitler, LDO 756; 206-771-2251; Jeff.zeitler@gmail.com*
 - iii. *Corey Roveri, LDO 735; Representing Opticians Association of Nevada; opticiansassociationnevada@gmail.com*
 - iv. *David Wolosin, LDO 362; 702-564-3678*
 - c. A summary of each person's public oral or written comment or testimony.
 - i. *Kyler Lund submitted a written comment in support of the changes proposed by the Board, stating the new language is more inclusive and clearer and opens the door to license reciprocity.*
 - ii. *Jeff Zeitler submitted written comment and spoke at the meeting. He suggested the Board include a regulation clarifying that an optician must inspect ophthalmic lenses with a lensometer to verify they comply with ANSI standards prior to dispensing them. He objected to the removal of a requirement for an applicant to be lawfully entitled to remain and work in the United States.*
 - iii. *Corey Roveri submitted written comments on behalf of the Opticians Association of Nevada (OAN). The OAN expressed support for most of the revisions proposed by the Board, but objected to the removal of a requirement for an applicant to be lawfully entitled to remain and work in the United States. The comments also included recommendations for license reciprocity and concerns regarding the definitions of "inspection" and "verification".*
 - iv. *David Wolosin spoke at the meeting. He asked the Board to reconsider the requirement that an optician have a radioscope available to perform contact lens fittings, as he does not believe that type of equipment is still being manufactured.*
4. The estimated impact on any business, person, or agency if the change is to occur, which must include:
 - a. The adverse and beneficial effects;
 - b. The positive or negative economic impact; and
 - c. Cost savings to the state or agency.

Please see the Attachment for the estimated impact of each potential change, highlighted in gray.

Section 2 – Regulation for Removal

As part of its report, every executive branch department, agency, board and commission shall provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

The report must include for **each** of the ten (10) regulations recommended for removal (ranked in descending order of priority):

1. The citation of the regulation with matters to be omitted in red and bracketed.
Please see Attachment for the citation of each regulation proposed for modification, in blue and red text, as required. The individual citations are also listed in the table on page 4.
2. A clear and concise explanation of the need for the elimination of the regulation.
Please see the Attachment for an explanation of the need for the elimination of each regulation, highlighted in yellow.
3. Information for each public meeting held to discuss the proposed regulation elimination, as mandated by Section 3 of Executive Order 2023-003, which must include:
 - a. The date of the meeting(s) and the number of persons who attended;
The Board held a meeting via teleconference on 4/20/2023, which was attended by 43 persons.
 - b. Information for each person who provided public oral or written comment or testimony on the regulation:
 - i. Kyler Lund, LDO 657; 702-270-6660
 - ii. Jeff Zeitler, LDO 756; 206-771-2251; Jeff.zeitler@gmail.com
 - iii. Corey Roveri, LDO 735; Representing Opticians Association of Nevada; opticiansassociationnevada@gmail.com
 - iv. David Wolosin, LDO 362; 702-564-3678
 - c. A summary of each person’s public oral or written comment or testimony.
 - i. Kyler Lund submitted a written comment in support of the changes proposed by the Board, stating the new language is more inclusive and clearer and opens the door to license reciprocity.
 - ii. Jeff Zeitler submitted written comment and spoke at the meeting. He suggested the Board include a regulation clarifying that an optician must inspect ophthalmic lenses with a lensometer to verify they comply with ANSI standards prior to dispensing them. He objected to the removal of a requirement for an applicant to be lawfully entitled to remain and work in the United States.
 - iii. Corey Roveri submitted written comments on behalf of the Opticians Association of Nevada (OAN). The OAN expressed support for most of the revisions proposed by the Board, but objected to the removal of a requirement for an applicant to be lawfully entitled to remain and work in the United States. The comments also included recommendations for license reciprocity and concerns regarding the definitions of “inspection” and “verification”.
 - iv. David Wolosin spoke at the meeting. He asked the Board to reconsider the requirement that an optician have a radioscope available to perform contact lens fittings, as he does not believe that type of equipment is still being manufactured.
4. The estimated impact on any business, person, or agency if the change is to occur, which must include:
 - a. The adverse and beneficial effects;
 - b. The positive or negative economic impact; and
 - c. Cost savings to the state or agency.

Please see the Attachment for the estimated impact of each potential change, highlighted in gray.

Section 3 - Mandatory Meeting and Report

Prior to submitting their respective reports, every executive branch department, agency, board and commission shall hold a public hearing, after having provided reasonable notice consistent with Chapter 233B of the Nevada Revised Statutes, to key industry stakeholders, to: (i) vet their recommended changes; (ii) solicit input as to the merits of those changes and (iii) identify other regulatory changes stakeholders feel are worthy of consideration. Stakeholder input shall be reflected in the summary of findings and recommendations included in each submitted report.

Executive Order 2023-03 – Tables of Revisions

Name of department, agency, board, or commission: [Nevada Board of Dispensing Opticians](#)

Address: [4790 Caughlin Pkwy. #241](#)

City: [Reno](#)

Zip: [89519](#)

Telephone: [\(775\) 433-1700](#)

Name of Director: [Corinne Sedran](#)

Director Email: info@nvopticians.org

Section 1 - Comprehensive Review of Regulations / Section 3 – Mandatory Meeting and Report

The above-named department, agency, board, or commission conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. The regulations identified for Section 1 of Executive Order 2023-03 are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

Regulation/ Information as required on page 1	Page number
1. 637.006 “Dispensing Optician” defined	1
2. 637.110 Quorum of the Board necessary to conduct business	1
3. 637.140(2), (3) Laboratory personnel not required to obtain license	2
4. 637.144(1), (2), (3), (4) Management of an ophthalmic establishment	2, 3
5. 637.150(1), (2), (3), (4), (5) Requirements for licensure	4
6. 637.160(1), (2), (3), (4) Board’s examination for a license as an optician	4, 5
7. 637.215(1), (2), (3), (4) Transfer of a license to an inactive list	5
8. 637.220(1), (2), (3), (4), (5) Fees for licensure	6
9. 637.230(1), (2), (3) Change of address	6
10. 637.235(1), (2) Unethical or unprofessional conduct	7
11. 637.241(1) Optical dispensing equipment	7, 8
12. 637.260(1), (2), (3) Application for apprentice license	8, 9
13. 637.280(1), (2), (3), (4), (5), (6) Supervision of apprentices	9, 10
14. 637.285(1), (2), (3), (4), (5), (6) Apprentice education requirements	10, 11
15. 637.290(1), (2), (3), (4) Apprentice license timeline and extensions	11, 12

Section 2 – Regulation for Removal / Section 3 – Mandatory Meeting and Report

The above-named department, agency, board or commission conducted a comprehensive review of the regulations subject to its enforcement and identified the following ten (10) or more regulations recommended for removal. The regulations identified for Section 2 of Executive Order 2023-03, ranked in descending order of priority, are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

Regulation/Information as required on page 1	Page number
1. 637.130 Definition of “dispensing optician”	1
2. 637.132(1), (2) Experience and exam requirements for “special licenses”	1, 2
3. 637.150(2)(c), (d), (g) Optician licensing requirements	4
4. 637.009 Management of a business/optical establishment	1
5. 637.148(1), (2), (3) Requirements for contact lens training and education	3
6. 637.290(6) Requirements for apprentice education	11, 12
7. 637.150(4) Apprentice training requirement	4
8. 637.260(1)(b), (c) Apprentice application requirements	8
9. 637.260(2)(a), (d) Apprentice application requirements	8, 9
10. 637.280(9) Definitions related to apprentice supervision	10
11. 637.220(4)(b) Provision related to inactivation of limited licenses	6
12. 637.215 Provisions related to contact lens equipment	8
13. 637.235(3) Provisions related to unprofessional conduct	7
14. 637.140(2)(a), (b) Restrictions on laboratory personnel	2
15. 637.225 Provision related to duplicate licenses	6
16. 637.300 Change of employment	13
17. 637.148(4) Definition of “supervisor	3
18. 637.150(6) Fee provision	4
19. 637.260(4) Fee provision	9
20. 637.265(1), (2) Fees provisions	9