

Key:

Purple strikethrough is newly removed text

Green is newly added text

Note: The term “1 month” has been replaced with “30 days” for consistency from year to year. The final clause of subsection 6 was removed because it does not reflect the Board’s intent (to move the license to “expired” rather than “delinquent” status after 10 years, not to prohibit reactivation after 10 years); the clause is unnecessary because the Board will have regulatory authority over license reactivations.

Sec. 8.

5. Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection 1. Unless otherwise prescribed by regulation pursuant to this subsection, a license as an apprentice dispensing optician:

- (a) Expires on January 31 each year;*
- (b) Is valid until its expiration date;*
- (c) Becomes delinquent if not renewed by January 31; and*
- (d) May be reinstated not more than ~~1 month~~ 30 days after the date on which it becomes delinquent.*

6. Prescribing requirements for the placement of a license as a dispensing optician on inactive status and the reactivation of such a license. ~~The regulations adopted pursuant to this subsection must prohibit the reactivation of a license as a dispensing optician if the license is inactive for 10 consecutive years.~~

Note: The fees for an exam established by the Board and an application for a license as a dispensing optician have been reduced so the total cost of initial licensure may not exceed the original amount of \$500.

Sec. 9. *The Board shall establish a schedule of fees and charges for the following items, which must not exceed the following amounts:*

<i>An examination established by the Board pursuant to this chapter</i>	\$500 \$250
<i>An application for a license as a dispensing optician</i>	\$500 \$250
<i>An application for a license as an apprentice dispensing optician</i>	\$250
<i>The renewal of a license as a dispensing optician</i>	\$500
<i>The renewal of a limited license as a dispensing optician</i>	\$200
<i>The renewal of a license as an apprentice dispensing optician</i>	\$200
<i>The delinquency fee for a license as a dispensing optician</i>	\$500
<i>The delinquency fee for a limited license as a dispensing optician</i>	\$500
<i>The delinquency fee for a license as an apprentice dispensing optician</i>	\$100
<i>The placement of a license as a dispensing optician on inactive status</i>	\$300
<i>The reactivation of a license that has been placed on inactive status</i>	\$300

Note: This section amended to allow for electronic verification and other methods of preparing work orders; subsection 3(c)(3) may need to be re-written in legislative language; the intent is the business and Board can later verify who authorized the dispensing of the product.

Sec. 15. NRS 637.022 is hereby amended to read as follows:

637.022 1. "Ophthalmic dispensing" means ~~the~~:

(a) *The design ~~[, verification and delivery to the intended wearer]~~ of lenses, frames and other specially fabricated optical devices upon prescription ~~[,]~~;*

(b) *The inspection of such lenses, frames and devices; and*

(c) *The issuing of the final authorization ~~in writing to deliver to the intended wearer such lenses, frames and devices.~~*

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) *The making of recommendations to the intended wearer of the lenses regarding lens material and other design features necessary to fill the prescription;*

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear~~;~~

~~(e)~~, *including, without limitation, the preparation and delivery of work orders by entering prescription information and related fabricating instructions into a paper, electronic, or online form or ordering system ~~computer or any other device connected to the Internet;~~*

(d) The ~~[verification]~~ *final physical inspection* of the quality of finished ophthalmic products;

~~(d)~~(e) The adjustment of lenses or frames to the intended wearer's face or eyes;

~~(e)~~(f) The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~(f)~~(g) The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription ~~[, when done]~~ by a ~~[dispensing optician or apprentice dispensing optician who is authorized]~~ *person licensed* to do so pursuant to the provisions of this chapter.

3. The term does not include ~~[any]~~:

(a) *The making of recommendations regarding frame designs or other design features that are not necessary to fill a prescription;*

(b) *The completion of sales transactions;*

(c) *The transfer of physical possession of lenses, frames or other specially fabricated optical devices subsequent to the performance of all services of the dispensing optician if the transfer does not occur until the dispensing optician has:*

(1) *Completed the final physical inspection of the lenses, frames or other specially fabricated optical device;*

(2) *Fitted the lenses, frames or device upon the person for whom the lenses, frames or device is intended; and*

(3) *Issued ~~written~~ authorization, by verifiable means, to dispense the lenses, frames or device;*

(d) *The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses;*

or

(e) Any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Note: Error was in our original draft, but the highlighted text at the top of this section makes the text at the beginning of Subsection 4 redundant; it can be removed.

Sec. 23. NRS 637.085 is hereby amended to read as follows:

637.085 ~~1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.~~ Except as otherwise provided in ~~[this section and]~~ NRS 239.0115, the following may be kept confidential:

~~[(a)]~~ 1. Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

~~[(b)]~~ 2. Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

~~[(e)]~~ 3. Any communication between:

~~[(1)]~~ (a) The Board and any of its committees or panels; and

~~[(2)]~~ (b) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

~~[(d)]~~ Any other information or records in the possession of the Board.

~~3.]~~ 4. Except as otherwise provided in ~~[this section and]~~ NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person . ~~[are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

Note: This section amended to require an optical business to notify the public when a licensed optician is not on duty.

Sec. 24. NRS 637.090 is hereby amended to read as follows:

637.090

1. A person shall not engage in the practice of ophthalmic dispensing or manage ~~[a business engaged in ophthalmic dispensing]~~ *an optical establishment* without holding a valid, active license issued as provided by this chapter.

2. When a licensed dispensing optician is not physically present in an optical establishment, the optical establishment must post clear and conspicuous signage that notifies the public that an optician is not on site, and any services requiring a license may not be rendered until the optician returns

Note: We added text in Subsection 2 to be consistent with the text in Subsection 3 (highlighted) that was added by the LCB

Sec. 25. NRS 637.100 is hereby amended to read as follows:

2. The Board ~~[shall adopt regulations to carry out]~~ *may waive* the ~~[provisions of this section, including, without limitation, regulations that establish requirements for:~~

~~(a) The program of apprenticeship for apprentice dispensing opticians;~~

~~(b) The training and experience of apprentice dispensing opticians; and~~

~~(e) The issuance of licenses to apprentice dispensing opticians.] requirements of paragraph (c) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant:...~~

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States that has requirements for licensure which the Board deems to be equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State.

Note: These edits made for clarity and streamlining of the section; limited licenses are being phased out, so we would like to contain as many references to them as possible within a single section of the statute; the provision prohibiting limited license holders from supervising the dispensing of contact lenses have been moved here for that reason.

Sec. 27. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

2.] Only a person who is deemed to ~~[hold]~~ *have held* an active ~~[,]~~ *or* inactive ~~[or delinquent]~~ limited license as a dispensing optician ~~[on]~~ *since* February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

2. ~~Except as otherwise provided in subsection 3, a limited license as a dispensing optician:~~
(a) *authorizes the holder to engage in the practice of ophthalmic dispensing pursuant to this chapter-, except that the holder*

3. ~~A person practicing ophthalmic dispensing pursuant to a limited license [:~~

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall] shall not [sell, furnish or fit] dispense contact lenses or supervise the dispensing of contact lenses by person licensed as an apprentice optician pursuant to this Chapter.~~

4. ~~A limited license as a dispensing optician:~~

~~(a) (b) [Expires on January 31 of each year.] Must at all times be conspicuously displayed at the holder's place of practice.~~

~~(b) (c) May not be [renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than \$200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than \$500.~~

5. ~~Upon written request to the Board, and payment of a fee not to exceed \$300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred~~

~~to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.] placed on inactive status on or after January 31, 2023.~~

Note: This section edited to streamline and clarify, and to remove provisions related to limited licenses to 637.121; text also added to clarify “on the premises” in the definition of “direct supervision” means within the optical establishment, and not elsewhere in the building; redundant language removed.

Sec. 28. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. ~~[If a person is]~~ A licensed ~~[by the Board as an]~~ apprentice dispensing optician ~~[, a]~~ may engage in ophthalmic dispensing only when :

~~(a) A licensed dispensing optician, licensed ophthalmologist or licensed optometrist [must:~~

~~(a) Directly supervise] is physically present in the optical establishment to directly supervising supervise all [work done by the apprentice] dispensing [optician.] activities performed by the apprentice and verifying the quality of the finished products to be dispensed;~~

~~(b) [Be in attendance whenever the]~~

4. ~~The A licensed dispensing optician, licensed ophthalmologist or licensed optometrist who is providing supervision to an supervising the apprentice dispensing optician may is not supervising supervise more than two licensed-apprentice dispensing [optician is engaged in ophthalmic dispensing.] opticians at any one time; and~~

(e) ~~[Post the license of the]~~ *The* apprentice dispensing optician ~~[in]~~ *is not being supervised by the holder of a [conspicuous place where the apprentice] limited license as a* dispensing optician ~~[works].~~

4. ~~A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.~~

5. ~~A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

6. ~~The Board may adopt regulations to carry out the provisions of this section.]~~ *while the apprentice dispensing optician is performing any service relating to dispensing contact lenses.*