

NEVADA BOARD OF DISPENSING OPTICIANS

Proposed Policies/FAQs Regarding Dispensing Online Orders

Frequently Asked Questions Regarding Dispensing of Online Orders:

1. Location of the Physical Prescription of Online Orders.

If an order is placed online does the physical Rx need to be in the location the glasses are made or dispensed, or is it acceptable that it be kept in a centralized online system or database that receives online orders?

Nevada law (NRS Chapter 637) mandates that ophthalmic dispensing be performed by a licensed optician. This requirement applies to businesses operating within Nevada, ensuring that patients receive competent vision care. However, the statute does not explicitly address the physical location where the prescriptions must reside during the manufacturing or dispensing process.

The Board maintains that the prescriptions must be available for review by the opticians dispensing the final products in Nevada. Access to the prescriptions is necessary to comply with state law requiring a final verification of any products that are dispensed. The dispensing optician must be able to review the prescription to verify the accuracy of the order and make any necessary adjustments before providing the eyewear to the patients.

For online orders, if the prescription is not available at the physical location where the glasses are made, but is accessible through a centralized system or database, it may still be acceptable to dispense if the optician is able to verify the information on the original Rx.

2. Accurate Measurements for Progressive Addition Lenses (PAL) or Bifocals in Online Orders and Associated Liability.

For online orders that are dispensed to patients in Nevada, how can an accurate measurement be given in the case of a PAL or bifocal? Does the responsibility for ensuring accuracy lie with the company or the licensee who dispenses the product, or does the patient assume the risk?

Accurate measurements are crucial for the proper fitting of PAL's or bifocals. Nevada law requires that ophthalmic dispensing, which includes tasks like recommending frames or lenses based on prescriptions, be performed by a licensed optician. If an online optical company provides services to Nevada residents, it must comply with these regulations, ensuring that licensed professionals oversee the dispensing process. Failure to do so could result in liability for the company. While patients may assume some risk when providing their own measurements, the primary responsibility lies with the dispensing entity to ensure compliance with the state laws and the accuracy of the final product.

3. Dispensing Online Orders Picked up In-Store

If a customer orders prescription lenses online, using online tools to enter their own prescription information and complete their own measurements, and the order is then sent to a physical store to be picked up, who must dispense the order to the customer? Does Nevada law address this situation?

When an online order is sent to a Nevada store for pickup, and the customer has entered their own prescriptions and measurements into the ordering system, Nevada law still requires that a licensed dispensing optician be physically present at the optical establishment to complete a final verification, inspection, and fitting of the product. This ensures that any necessary adjustments or verifications can be made to provide the patient with properly fitted eyewear.

What should opticians do if their employers or customers ask them to dispense online orders in a manner that violates Nevada law?

1. Refuse to Dispense Without Verification.

It is crucial to remember that licensed opticians must verify prescriptions and measurements before dispensing eyewear. If you do not have access to this information, you may refuse to dispense the products until you have the required information to properly verify the accuracy of the product. Inform your employer that dispensing without proper verification is a violation of Nevada law and could lead to disciplinary action against both the licensee and employer.

2. Document Everything in Writing.

Always communicate your concerns and requests in writing. Send a clear email or written request to your employer or management explaining that the law requires verification before dispensing. Make sure to keep a copy of all correspondence for your records, especially in case of an audit or investigation.

3. Request a Written Policy.

If your employer insists on a process that violates law or best practices, ask for a written policy that directs you to dispense without the necessary verification. If your employer refuses to provide this in writing, it may indicate a more serious issue regarding the company's compliance with Nevada laws.

4. Contact the Nevada Board of Dispensing Opticians.

If you continue to receive pressure at your workplace to dispense online orders without completing the required verification or fitting, contact the Nevada Board of Dispensing Opticians or file a complaint online. The board will investigate the situation and take appropriate action if necessary. Make sure to include any written correspondence or company policies when filing a complaint.