

STATE OF NEVADA
Board of Dispensing Opticians



STATEMENT REGARDING PROPOSED REGULATION
LCB FILE NO. R067-23 (with revisions adopted on 11/30/23)

PREPARED PURUSANT TO NRS 233B.0608(3) and (4)

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Copies of the proposed regulation and notices of a workshop and hearing to solicit comments were emailed to all the Board's licensees, some of whom own small, independent optical businesses. The notices were also emailed to other interested parties who have requested meeting notices from the Board. Such parties included representatives for the American Board of Opticianry (organization that provides national competency and certification exams for opticians), the Opticians Association of Nevada (professional association for Nevada opticians), the National Association of Opticians and Optometrists (national association of businesses that employ opticians and optometrists), and Ferrari Reeder Public Affairs (to the Board's last knowledge, representative for the national optical retail chain Warby Parker).

The Board did not receive any written or spoken comments from these optician business owners or from other businesses at its regulation workshop or hearing, so a summary of the comments is not available.

- 2. The manner in which the analysis was conducted.**

A concerted effort was made to determine any economic burden. The Board reviewed many of the proposed regulations at its regular meetings throughout 2021 and 2022. In 2023, NRS Chapter 637 was amended, and further revisions to the proposed regulations were discussed at meetings and a workshop. During its consideration of these items, the Board did not receive any testimony from the public indicating the proposed regulations would cause a negative impact on small businesses. The Board is composed of industry members employed by a range of employer types, from large corporations, to small, independent offices. None of the Board members expressed concern that the proposed regulations would create a financial burden on their employers or colleagues.

The proposed regulation does not introduce any new fees that would be levied against optical businesses. It does include a \$50 increase to the fees to apply for an initial license as a

dispensing optician or to renew a license as a dispensing optician. Such fees would only have an economic effect on the individual optician, and only at the time of initial application or annual renewal of the license. Minor revisions to the proposed regulation that were adopted at a regulation hearing on November 30, 2023, do not impose any additional financial or regulatory burdens on small businesses.

- 3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation: (1) both adverse and beneficial effects; and (2) both direct and indirect effects.**

N/A. The Board does not anticipate either adverse or beneficial, direct or indirect, economic effects on the small businesses it regulates. Please see responses to Items 1 and 2, above.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

N/A. Please see responses to Items 1 and 2, above.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

Enforcement of the proposed regulation will not create any additional costs for the Board.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation provides a \$50 increase to the fee to apply for an initial license as a dispensing optician and for the annual renewal of a license as a dispensing optician. The total amount the Board expects to collect annually from these fee increases is approximately \$20,000, which the Board will use to offset increased operating costs, including new costs related to maintaining an online application and licensing system, and increased costs of office rent and utilities.

- 7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A. The proposed regulation does not include provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity.

- 8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

Please see answer to Item 2, above.

- 9. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3 of NRS 233B.0608, the agency must include an explanation of the revision and the effect of the change on small businesses.**

A small business impact statement was originally prepared and distributed with the Board's regulation workshop notice and conceptual amendments that would later become Proposed Regulation R067-23. After the workshop took place, the Board received a formal draft of R067-23 from the Legislative Counsel Bureau (LCB), which was distributed with the Board's regulation hearing notice. The provisions contained in the formal draft are substantively equivalent to those contained in the conceptual amendments, except for an increase to the fee to apply for an initial license as a dispensing optician, which was supposed to be added to the conceptual amendments alongside an increase to the fee for the annual renewal of such a license. The fee will only be assessed to individual applicants, not businesses, and only upon the initial submission of a license application. Therefore, this change will not have an economic impact on small businesses.

Further revisions to the formal LCB draft of R067-23 were made by the LCB prior to the regulation hearing, and by the Board at said hearing, but the changes are reflective of the original conceptual amendments as presented at the regulation workshop.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

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