

**ADOPTED REGULATION OF THE NEVADA
STATE BOARD OF OPTOMETRY**

LCB File No. R215-03

Effective April 23, 2004

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

AUTHORITY: §1, NRS 636.125.

A REGULATION relating to optometry; requiring an optometrist to release a prescription for a contact lens under certain circumstances; requiring the issuance of a new prescription after the release of a prescription before changing the brand or type of contact lens prescribed; releasing a prescriber of a contact lens from liability for future changes in the fitting or dispensing of the lens by another source; and providing other matters properly relating thereto.

Section 1. Chapter 636 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a copy of a prescription for a polymethylmethacrylate (hydrophobic) contact lens, rigid gas permeable contact lens or soft (hydrophilic) contact lens issued by an optometrist must be:

- (a) Provided to the patient, upon an oral or written request from the patient.*
- (b) Released to an authorized agent of the patient, upon a written request from the patient.*
- (c) Verified to an authorized agent of the patient, upon a written request from the patient.*

2. *An optometrist shall not release a prescription for a polymethylmethacrylate (hydrophobic) contact lens, rigid gas permeable contact lens or soft (hydrophilic) contact lens to a patient, until the optometrist has:*

(a) Conducted an initial evaluation of the fit of the lens on the eye of the patient;

(b) Conducted any follow-up examination that the optometrist deems medically necessary;

and

(c) Determined that a successful fit has been achieved.

3. *An optometrist shall not fail or refuse to provide all the information necessary to duplicate accurately a prescription for a polymethylmethacrylate (hydrophobic) contact lens, rigid gas permeable contact lens or soft (hydrophilic) contact lens unless the optometrist maintains proper documentation of a sufficient clinical rationale.*

4. *Upon the release of a prescription for a polymethylmethacrylate (hydrophobic) contact lens, rigid gas permeable contact lens or soft (hydrophilic) contact lens, no changes may be made in the brand or type of lens prescribed without the issuance of a new prescription. A new prescription to make changes in the brand or type of lens prescribed must not be issued unless an optometrist has completed any evaluations or examinations that the optometrist deems medically necessary for such changes.*

5. *After the release of a prescription for a polymethylmethacrylate (hydrophobic) contact lens, rigid gas permeable contact lens or soft (hydrophilic) contact lens, the prescriber is not liable for any future changes in the fitting or dispensing of the lens by another source.*

6. *If a patient requests the release of a prescription for a polymethylmethacrylate (hydrophobic) contact lens, rigid gas permeable contact lens or soft (hydrophilic) contact lens before an optometrist has completed any evaluation or examination that the optometrist deems*

medically necessary, the optometrist may release a prescription for an ophthalmic lens which must indicate that the prescription is not approved for contact lenses in the manner set forth in NRS 636.387.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R215-03**

The Nevada State Board of Optometry adopted regulations assigned LCB File No. R215-03 which pertain to chapter 636 of the Nevada Administrative Code on March 12, 2004.

Notice date: 2/9/2004
Hearing date: 3/12/2004

Date of adoption by agency: 3/12/2004
Filing date: 4/23/2004

INFORMATIONAL STATEMENT

1. The hearing on LCB File No. R215-03 was duly and properly noticed on February 9th, 2004, as required by NRS 233B.061. The Board received no comments.
2. Four people attended the hearing on LCB File No. R215-03. There was no testimony offered by those in attendance. The Board received no written comments.
3. No comments were solicited from businesses. The regulation affects only licensed optometrists in the State of Nevada.
4. There were no changes made to the proposed regulation. The Board adopted the regulation as drafted and approved by the Legislative Counsel Bureau, as there were no comments, either oral or written, received on the proposed regulation.
5. The adopted regulation is:
 - a. Expected to have no adverse or beneficial effects on businesses.
 - b. Expected to have no immediate or long-term effects on businesses.

The adopted regulation is

- a. Expected to have no adverse effects on the public. It is expected to have a beneficial effect on the public.
 - b. Expected to have no immediate or long-term effects on the public.
6. It is expected there will be no immediate additional cost to the Board of Optometry for enforcement of the proposed regulation.
7. The Board is not aware of any regulation that overlaps or duplicates any regulation of other state or government agencies.
8. The Board is not aware of any regulation that is more stringent than a federal regulation that regulates the same activity.

Therefore, the proposed regulation is in compliance with the federal regulation, and is not more stringent than federal requirements.

9. This regulation does not establish or provide for the collection of a new fee.