

**LCB File No. R108-04**

**PROPOSED REGULATION OF THE BOARD  
OF DISPENSING OPTICIANS**

**Explanation:** Material in *bold italics* is new material; material lined out within ~~bold brackets~~ is material to be omitted.

**Purpose:** To amend chapter 637 of the Nevada Administrative Code to provide for efficient licensing, regulation, and discipline of persons licensed under chapter 637 of the Nevada Revised Statutes.

**General Authority:** NRS 637.070(1)

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**Section 1.** Chapter 637 of the NAC is hereby amended by adding sections 2 to 18 inclusive, of these proposed regulations.

**Section 2.** NAC 637.135 is hereby amended to read as follows:

NAC 637.135 Required licensing: “Manage a business engaged in ophthalmic dispensing” interpreted. (NRS 637.070, 637.090)

*1.* As used in NRS 637.090, the board will interpret the term “manage a business engaged in ophthalmic dispensing” to mean:

*(a).* having the responsibility for ophthalmic dispensing; and

*(b).* having direct supervisory responsibility for employees who engage in ophthalmic dispensing, including employees who are not licensed pursuant to this chapter and chapter 637 of NRS, at a single place of business.

*2. A person having direct supervisory responsibility pursuant to paragraph 1 of this section must:*

*(a). hold a license as a an ophthalmic dispenser pursuant to NRS 637.100 or a license as a limited license ophthalmic dispenser pursuant to NRS 637.121; and*

*(b). be designated as the person or manager who has ultimate responsibility for all ophthalmic dispensing and supervision of the store, including ophthalmic dispensing by employees of the store pursuant to NRS 637.125(5).*

*3. The person or manager designated pursuant to paragraph 2 of this section must not be licensed as an apprentice dispensing optician.*

*4. A licensed apprentice dispensing optician, who may have general supervisory authority over the person or manager designated pursuant to paragraph 2 of this section or any person under the supervision of the person or manager designated pursuant to paragraph 2 of this section, must, in the opinion of the board:*

*(a). Not exert undue influence over that person or manager or a person under the supervision of that person or manager.*

*(b). A violation of paragraph 4 of this section is also a violation of NAC 637.235(a), (e) and (f).*

**Section 3.** NAC 637.150 is hereby amended to read as follows:

**FIRST PARALLEL SECTION**

NAC 637.150 *Limited License*; Application for examination; request for reexamination; fees. (NRS 637.070, 637.110) *Expires by Limitation on January 31, 2006.*

1. An application for an examination to determine a person's fitness to practice ~~optical~~ *limited license ophthalmic* dispensing *pursuant to NRS 637.121* must be made to the board at least 60 days before the date of the examination. The application must be made on forms provided by the board.

2. The applicant must provide with the application:

(i) Proof that he has met the educational requirements set forth in NRS 637.100;

(ii) A full-face, close-up photograph of himself taken within the last year, not smaller than 2 inches by 2 inches;

(iii) Three letters concerning his character from references; and

(iv) An affidavit attesting to the truthfulness of all statements made in the application.

3. An applicant holding the degree of associate of science in ophthalmic dispensing must obtain the required 2,000 hours of practical experience. The degree must be conferred by a school which is accredited by the Commission on Opticianry Accreditation.

4. The submission of false or misleading statements on the application filed with the board or the failure to provide information required on the form is sufficient cause for the board to reject the application or revoke the license of a dispensing optician.

5. A fee of \$200 must accompany the application. An applicant who has failed the examination may be reexamined for a license as a dispensing optician *upon approval by the Board* if the applicant submits to the board a fee of \$150 and a written request for reexamination at least 60 days before the next date of examination.

*6. An applicant may not be reexamined for a license as a limited license dispensing optician pursuant to NRS 637.121 more than three times.*

**SECOND PARALLEL SECTION**

NAC 637.150 Application for examination; request for reexamination; fees. (NRS 637.070, 637.110)

1. An application for an examination to determine a person's fitness to practice ~~optical~~ *ophthalmic* dispensing must be made to the board at least 60 days before the date of the examination. The application must be made on forms provided by the board.

2. The applicant must provide with the application:

(a) Proof that he has met the ~~educational~~ requirements set forth in NRS 637.100;

(b) A full-face, close-up photograph of himself taken within the last year, not smaller than 2 inches by 2 inches;

(c) Three letters concerning his character from references; and

(d) An affidavit attesting to the truthfulness of all statements made in the application.

3. An applicant holding the degree of associate of *applied* science in ophthalmic dispensing must obtain the required ~~2,000~~ *1,000* hours of practical experience *as provided for in paragraph (f)(2) of subsection 1 of 637.100 of NRS*. The degree must be conferred by a school which is accredited by the Commission on Opticianry Accreditation.

*4. In addition to any other requirements, an applicant pursuant to paragraphs (f)(1) or (f)(2) of subsection 1 of 637.100 of NRS must complete the requirements of paragraph (g)(1) through (3) of subsection 1 of 637.100 of NRS and submit the form required pursuant to paragraph (b) of subsection 4 of 637.290 of this chapter.*

~~4.~~ 5. The submission of false or misleading statements on the application filed with the board or the failure to provide information required on ~~the~~ *any* form is sufficient cause for the board to reject the application or revoke the license of a dispensing optician.

~~5.~~ 6. A fee of ~~\$200~~ *\$350* must accompany the application. An applicant who has failed the examination may be reexamined for a license as a dispensing optician *upon approval by the Board* if the applicant submits to the board a fee of ~~\$150~~ *\$250* and a written request for reexamination at least 60 days before the next date of examination.

**Section 4.** NAC 637.160 is hereby amended to read as follows:

FIRST PARALLEL SECTION

NAC 637.160 *Limited License:* Examination; request for review of examination. (NRS 637.070, 637.110, 637.121) *Expires by limitation on January 31, 2006.*

1. The board's examination for a license as a *limited license* dispensing optician *pursuant to NRS 637.121* will test the dispensing skills of the applicant.

2. The examination will test the applicant's proficiency and knowledge in the following subjects:

(a) Mechanical and geometric optics;

(b) Measurement for, and the fitting and adapting of, eyeglasses;

(c) Optical materials, their design and uses as visual aids;

(d) The anatomy and physiology of the eye; and

(e) The provisions of this chapter and chapter 637 of NRS.

3. The examination will be conducted in the presence of at least two board members, both of whom must be licensed dispensing opticians. Other licensed dispensing opticians may be employed by the board to assist in administering the practical examination.

4. An applicant who fails the examination and wishes to have a review of his examination papers must, within 60 days after the examination ~~[, notify the board that he requests the review]~~ *submit his request for a review on a form approved by the board.*

## SECOND PARALLEL SECTION

NAC 637.160 Examination; request for review of examination. (NRS 637.070, 637.110)

1. The board's examination for a license as a dispensing optician will test the dispensing skills of the applicant.

2. The examination will test the applicant's proficiency and knowledge in the following subjects:

- (a) Mechanical and geometric optics;
- (b) Measurement for, and the fitting and adapting of, eyeglasses *and contact lenses*;
- (c) Optical materials, their design and uses as visual aids;
- (d) The anatomy and physiology of the eye; ~~and~~
- (e) The provisions of this chapter and chapter 637 of NRS; *and*
- (f) *Contact lens theory.*

3. *A licensed dispensing optician who also holds a license as a limited dispensing optician pursuant to NRS 637.121 may, upon approval of the board, take a modified examination the focus of which is on ophthalmic dispensing of contact lenses.*

4. The examination will be conducted in the presence of at least two board members, both of whom must be licensed dispensing opticians *but none of whom can be limited license dispensing opticians pursuant to NRS 637.121*. Other licensed dispensing opticians, *but not limited license dispensing opticians pursuant to NRS 637.121*, may be employed by the board to assist in administering the practical examination.

~~[4.]~~ 5. An applicant who fails the examination and wishes to have a review of his examination papers must, within 60 days after the examination ~~[, notify the board that he requests the review]~~ *submit his request for a review on a form approved by the board.*

**Section 5.** NAC 637.170 is hereby amended to read as follows:

NAC 637.170 Waiver of examination; request and fee for reexamination. (NRS 637.070, 637.110)

1. The requirement for an examination will be waived if an applicant:

- (a) Meets all other requirements for a license in this state;
- (b) Holds a license in good standing from another state;
- (c) Within the past 10 years has passed an examination which was equivalent to the board's examination required of an applicant for a license; and
- (d) Has worked as a dispensing optician for 75 percent or more of the time between passing that examination and making application to the board.

2. Within 90 days after receiving an application for such a waiver, the board will seek to verify all documents submitted with the application. A license will not be issued under such a waiver until satisfactory documentation has been received by the board.

3. An applicant who requests a waiver of the examination must appear in person before the board so that the board may administer an examination consisting of questions pertaining to his qualifications to be licensed as a dispensing optician. The applicant may appear for this purpose before the board verifies the documentation supporting his application. To pass an examination administered pursuant to this subsection, the applicant must achieve a score of at least 70 percent in each of the six sections of the examination.

4. An applicant may request a waiver of the examination only once.

5. An applicant who fails the examination administered pursuant to subsection 3 may be reexamined at the next general examination for a license as a dispensing optician *upon approval*

*of the Board* if the applicant submits to the board a fee of ~~[\$150]~~ \$250 and a written request for reexamination at least 60 days before the next date of general examination.

**Section 6.** NAC 637.180 is hereby amended to read as follows:

NAC 637.180 ~~[Continuing education]~~ **Education:** “Hour of continuing education” *and* “*hour of training and experience*” defined. (NRS 637.070, 637.121, 637.135) As used in chapter 637 of NRS and chapter 637 of NAC ~~[NAC 637.180 to 637.210, inclusive]~~, “hour of continuing education” *and* “*hour of training and experience*” means 50 minutes of instruction devoted to a program of continuing education *or training and experience* that is related to the practice of ophthalmic dispensing.

**Section 7.** NAC 637.200 is hereby amended to read as follows:

FIRST PARALLEL SECTION (May become a new section)

NAC 637.200 **Limited License;** Continuing education: Subjects; approval of and credit for courses; minimum hours. (NRS 637.070, 637.121)

1. Subjects for continuing education in ophthalmic dispensing include:
  - (a) Mechanical and geometric optics;
  - (b) The measurement, fitting and adapting of eyeglasses, contact lenses and optical prosthetics;
  - (c) Optical materials, their design and uses as visual aids;
  - (d) The nature and properties of light and its refraction by lenses;
  - (e) The anatomy and physiology of the eye and its appendages;
  - (f) The principles of management relating to ophthalmic dispensing;
  - (g) The principles of ophthalmic dispensing and the wearing of contact lenses related to ophthalmology and optometry; and
  - (h) Refractometry.
2. The board will approve each course of continuing education and determine the number of credits to be given for each course. A sponsor of a course shall submit to the board an outline of the course, and any other related materials that the board may require, for approval of the course before the course is offered.
3. A licensee is not entitled to receive credit for a course of continuing education unless the course is approved by the board. A licensee may seek approval of a course before attending the course to receive credit towards his hours of continuing education by submitting to the board an outline of the course and any other related materials that the board may require.
4. A licensee who attends the same educational lecture more than once every 3 years is entitled to count only his original attendance as credit toward his hours of continuing education.
5. A licensee may not receive more than a total of six credits each year towards his hours of continuing education for completion of self-study courses or courses offered over the Internet.
6. ~~[Except as otherwise provided in subsection 7, a]~~ **A limited license** dispensing optician shall complete at least 12 hours of continuing education each year. The dispensing optician is entitled to receive credit for not more than 6 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.

~~[7. A dispensing optician who is licensed to fit contact lenses shall complete at least 14 hours of continuing education each year. The dispensing optician is entitled to receive credit for not more than 7 additional hours of continuing education completed during a year and may apply~~

~~those hours of continuing education to the requirement for continuing education for the following year.]~~

SECOND PARALLEL SECTION (May remain original section with amendments)

NAC 637.200 Continuing education: Subjects; approval of and credit for courses; minimum hours. (NRS 637.070, 637.135)

1. Subjects for continuing education in ophthalmic dispensing include:
  - (a) Mechanical and geometric optics;
  - (b) The measurement, fitting and adapting of eyeglasses, contact lenses and optical prosthetics;
  - (c) Optical materials, their design and uses as visual aids;
  - (d) The nature and properties of light and its refraction by lenses;
  - (e) The anatomy and physiology of the eye and its appendages;
  - (f) The principles of management relating to ophthalmic dispensing;
  - (g) The principles of ophthalmic dispensing and the wearing of contact lenses related to ophthalmology and optometry; and
  - (h) Refractometry.
2. The board will approve each course of continuing education and determine the number of credits to be given for each course. A sponsor of a course shall submit to the board an outline of the course, and any other related materials that the board may require, for approval of the course before the course is offered.
3. A licensee is not entitled to receive credit for a course of continuing education unless the course is approved by the board. A licensee may seek approval of a course before attending the course to receive credit towards his hours of continuing education by submitting to the board an outline of the course and any other related materials that the board may require.
4. A licensee who attends the same educational lecture more than once every 3 years is entitled to count only his original attendance as credit toward his hours of continuing education.
5. A licensee may not receive more than a total of ~~[six]~~ *seven* credits each year towards his hours of continuing education for completion of self-study courses or courses offered over the Internet.
6. ~~[Except as otherwise provided in subsection 7, a dispensing optician shall complete at least 12 hours of continuing education each year. The dispensing optician is entitled to receive credit for not more than 6 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.]~~
- ~~—7. A dispensing optician who is licensed to fit contact lenses]~~ *A dispensing optician* shall complete at least 14 hours of continuing education each year *which must include at least 7 hours of instruction on the subject of fitting contact lenses*. The dispensing optician is entitled to receive credit for not more than 7 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.

**Section 8.** NAC 637.215 is hereby amended to read as follows:

NAC 637.215 Transfer of license to inactive list; renewal of inactive status; reactivation of license. (NRS 637.070, 637.121, 637.140) The holder of a license as a dispensing optician ~~[or a license to fit contact lenses]~~ who has paid the fee for the transfer of the license to an inactive list

as set forth in NAC 637.220, *or the holder of a limited license ophthalmic dispensing license pursuant to NRS 637.121 who has paid the fee pursuant to NAC 637.220:*

1. Will remain on the inactive list for a period of 5 years, unless he renews his inactive status pursuant to subsection 3 or reactivates his license pursuant to subsection 4.
2. Is not required to obtain the credits for continuing education required for the holder of an equivalent license that is on active status.
3. May renew his inactive status for a second 5-year period. To renew his inactive status, the holder of the license must submit to the board a written notice of extension.
4. May reactivate his license by:
  - (a) Submitting a letter to the board requesting the reactivation of his license;
  - (b) Obtaining, within the 12 months immediately preceding the submission of the letter requesting reactivation of his license:
    - (1) If the holder is a *limited license* dispensing optician *pursuant to NRS 637.121*, 12 hours of continuing education credits *as set forth in NAC 637.200*; or
    - (2) If the holder is a dispensing optician ~~[who is licensed to fit contact lenses]~~, 14 hours of continuing education credits *as set forth in NAC 637.200*;
    - (c) Submitting the statement required pursuant to NRS 637.113; and
    - (d) Paying the fee for reactivation of his license as set forth in NAC 637.220.

**Section 9.** NAC 637.220 is hereby amended to read as follows:

FIRST PARALLEL SECTION (May become a new section)

NAC 637.220 *Limited License:* Fees for renewal ~~[,]~~ and reinstatement ~~[, transfer and reactivation]~~ of license. (NRS 637.070, 637.121, 637.140) *Expires by limitation on January 31, 2006.*

1. The fee for the annual renewal of *an apprentice qualified to be licensed as a limited license dispensing optician pursuant to NRS 637.121* is \$50 ~~[a license:~~
  - ~~— (a) As a dispensing optician is \$200.~~
  - ~~— (b) To fit contact lenses is \$100.~~
  - ~~— (c) As an apprentice dispensing optician is \$25.]~~
2. The annual delinquency fee for reinstatement of *an apprentice qualified to be licensed as a limited license dispensing optician pursuant to NRS 637.121* is \$100. ~~[a license:~~
  - ~~— (a) As a dispensing optician is \$100.~~
  - ~~— (b) To fit contact lenses is \$50.~~
  - ~~— (c) As an apprentice dispensing optician is \$25.~~
- ~~3. The fee for the transfer of a license as a dispensing optician or to fit contact lenses to an inactive list is \$150.~~
- ~~4. The fee for the reactivation of a license:~~
  - ~~— (a) As a dispensing optician is \$200.~~
  - ~~— (b) To fit contact lenses is \$100.]~~

SECOND PARALLEL SECTION (May remain original section with amendments)

NAC 637.220 Fees for renewal, reinstatement, transfer and reactivation of license. (NRS 637.070, 637.140)

1. The fee for the annual renewal of a license:
  - (a) As a *limited license* dispensing optician *pursuant to NRS 637.121* is \$200.
  - (b) ~~[To fit contact lenses is \$100]~~ *As a dispensing optician is \$300.*

- (c) As an apprentice dispensing optician is ~~[\$25]~~ \$50.
- 2. The annual delinquency fee for reinstatement of a license:
  - (a) As a *limited license* dispensing optician *pursuant to NRS 637.121* is ~~[\$100]~~ \$200.
  - (b) ~~[To fit contact lenses is \$50]~~ *As a dispensing optician is \$300.*
  - (c) As an apprentice dispensing optician is ~~[\$25]~~ \$100.
- 3. The fee for the transfer *to an inactive list* ~~[of a license as a dispensing optician]:~~
  - (a) *As a limited license dispensing optician pursuant to NRS 637.121 is* ~~[or to fit contact lenses to an inactive list is \$150]~~ \$200.
  - (b) *As a dispensing optician is \$300.*
- 4. The fee for the reactivation of a license:
  - (a) As a *limited license* dispensing optician *pursuant to NRS 637.121* is \$200.
  - (b) ~~[To fit contact lenses is \$100]~~ *As a dispensing optician is \$300.*

**Section 10.** NAC 637.250 is hereby amended to read as follows:

NAC 637.250 Advertising: Requirements for advertisements which quote prices. (NRS 637.070)

- 1. Advertising which quotes prices of ophthalmic goods and services must include the following information:
  - (a) Whether the advertised price includes single vision or multifocal glass or plastic lenses;
  - (b) Whether the advertised price for contact lenses refers to “hard” or “soft” lenses;
  - (c) Whether the advertised price of ophthalmic goods includes all dispensing fees;
  - (d) Whether the advertised price for eyeglasses includes both frames and lenses; and
  - (e) Whether the advertised lens price includes all lens prescription powers.
- 2. Each advertisement in violation of any one of the provisions of subsection 1 is a separate offense punishable by:
  - (a) ~~S[is]~~suspension or revocation of *a* license *issued pursuant to chapter 637 of NRS;*
  - (b) **The imposition of a fine pursuant to NRS 637.183.**

**Section 11.** NAC 637.260 is hereby amended to read as follows:

NAC 637.260 Application; fee. (NRS 637.070)

- 1. Each person desiring to be employed as a licensed apprentice dispensing optician as provided by ~~[NRS 637.125]~~ *paragraph (f) of subsection 1 of 637.100 of NRS* must file an application with the board stating:
  - (a) The date of the application for licensure;
  - (b) The date when the apprenticeship commences;
  - (c) The name and address of the optical establishment where the apprenticeship will be conducted; and
  - (d) The name and license number of the supervisory opticians, ~~[or]~~ optometrists *or ophthalmologists.*
- 2. Each application must be certified under oath by the applicant and the supervising optician, ~~[or]~~ optometrist *or ophthalmologist.*
- 3. A fee of ~~[\$40]~~ \$100 must accompany each application. The fee will not be refunded.

**Section 12.** NAC 637.280 is hereby amended to read as follows:

NAC 637.280 Supervision of apprentice. (NRS 637.070)

- 1. A supervisor who is licensed in this state must be on the premises of the optical establishment at all times to *provide direct supervision to* ~~[supervise]~~ an apprentice dispensing



optician. In all instances of a supervisor's absence, a substitute supervisor who is licensed in this state must be obtained to *provide direct supervision to* ~~supervise~~ the apprentice dispensing optician.

2. When a permanent change of supervisor is made by the employer, the board must be notified of the change within 30 days.

3. As used in this section, "supervisor" means:

(a) *A licensed dispensing optician who is on the same premises of the same optical establishment as the licensed apprentice dispensing optician; or*

(b) *An ~~an~~ ophthalmologist or ~~an~~ optometrist who is on the same premises of the same optical establishment as the ~~or a~~ licensed apprentice dispensing optician.*

4. *A licensed apprentice dispensing optician must be employed by the same person as his supervisor. This subsection does not apply to a person gaining experience as required by NRS 637.100(1)(g)(2).*

5. *As used in this section, "supervision" has the same meaning as defined in NRS 637.024 and supervision must be appropriate based on the apprentice's training, experience, education and other relevant factors.*

6. *As used in this section, "direct" means being physically available to provide supervision.*

7. *An apprentice dispensing optician may be supervised by a licensed dispensing optician, ophthalmologist or optometrist as long as the licensed dispensing optician, ophthalmologist or optometrist does not already supervise two other apprentice dispensing opticians.*

**Section 13.** NAC 637.285 is hereby amended to read as follows:

NAC 637.285 Enrollment in ~~career progression program~~ *optical educational program approved by the board.* (NRS 637.070) An apprentice dispensing optician shall, within 3 months after the date of his initial licensure as an apprentice dispensing optician, submit evidence to the board that he is enrolled in ~~the career progression program of the National Academy of Opticianry or an equivalent~~ *an optical education* program ~~accepted~~ *approved* by the board.

**Section 14.** NAC 637.290 is hereby amended to read as follows:

FIRST PARALLEL SECTION

NAC 637.290 *Limited License:* Training. (NRS 637.070) *Expires by limitation on January 31, 2006.*

1. An apprentice dispensing optician *who qualifies for licensing pursuant to NRS 637.121* must receive instruction and personal supervision in the skills required in an optical establishment and in related duties during the 3 years of training required pursuant to paragraph (a) of subsection 5 of NRS 637.100 *as it existed before February 1, 2004.* Such training must include at least 2,000 hours of supervised experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.

(a). The completion of ~~a course of instruction~~ *one or more courses of instruction at a school which offers a degree of associate in applied science for studies in ophthalmic dispensing* ~~approved by the board that is offered by an accredited school~~ may count toward the completion of the hours of apprenticeship required pursuant to this subsection *if:*

(1). *The course or courses of instruction are equivalent to experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing; and*

*(2). The course or courses of instruction are approved by the board.*

2. ~~[An apprentice dispensing optician holding the degree of associate of science in ophthalmic dispensing must receive at least 2,000 hours of supervised experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.~~

~~—3.]~~ Areas of instruction for apprenticeship must include the following:

- (a) Ocular anatomy, physiology, and refractive anomalies of the eye;
- (b) Processes of vision, especially the effect of light, lenses and prisms placed before the eye;
- (c) Theoretical optics;
- (d) Ophthalmic vocabulary;
- (e) Ophthalmic prescription interpretation, lens identification, fitting and adjustment of glasses, and use of instruments in the analysis of lenses in a practical examination;
- (f) All facets of ophthalmic dispensing procedures; and
- (g) The provisions of this chapter and chapter 637 of NRS.

## SECOND PARALLEL SECTION

NAC 637.290 Training. (NRS 637.070, 637.100)

1. An apprentice dispensing optician must receive instruction and personal supervision in the skills required in an optical establishment and in related duties during the 3 years of training required pursuant to paragraph ~~[(a) of subsection 5]~~ *(f)(1) of subsection 1* of NRS 637.100. Such training must include at least 2,000 hours of supervised experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.

*(a). The completion of ~~[a course of instruction]~~ one or more courses of instruction at a school which offers a degree of associate in applied science for studies in ophthalmic dispensing ~~[approved by the board that is offered by an accredited school]~~ may count toward the completion of the hours of apprenticeship required pursuant to this subsection if:*

*(1). The course or courses of instruction are equivalent to experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing; and*

*(2). The course or courses of instruction are approved by the board.*

*(b). Training and experience of a person licensed as a limited license dispensing optician pursuant to NRS 637.121 may count toward the completion of the hours of supervised experience required pursuant to this subsection if they are approved by the board.*

*(c). In addition to the requirements provided for in paragraph (g) of subsection 1 of NRS 637.100, an apprentice dispensing optician pursuant to paragraph 1 of this subsection must:*

*(1). Make orderly progress towards completion of their apprenticeship; and*

*(2). Provide proof of such orderly progress to the board on or before each renewal.*

*(d). Orderly progress may be shown upon each renewal as follows:*

*(1). At the end of their first year of apprenticeship, pass the examination of the American Board of Opticianry as provided for in paragraph (e) of subsection (1) of 637.100 of NRS; and*

*(2). At the end of their second year of apprenticeship, pass the National Contact Lens Examination as provided for in paragraph (g)(3) of subsection 1 of 637.100 of NRS; and*

*(3). At the end of their third year of apprenticeship:*

*a. Complete a course of instruction pursuant to paragraph (g)(1) of subsection 1 of 637.100 of NRS; and*

*b. Complete 100 hours of training and experience pursuant to paragraph (g)(2) of subsection 1 of 637.100 of NRS.*

*(4). The board must approve all orderly progress.*

2. ~~[An apprentice dispensing optician holding the degree of associate of science in ophthalmic dispensing must receive at least 2000]~~ *A person who has successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board must receive instruction and direct personal supervision in the skills required in an optical establishment and in related duties during the 1 year of training pursuant to paragraph (f)(2) of subsection 1 of 637.100 of NRS. Such training must include at least 1,000 hours of supervised experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.*

*(a). The completion of one or more courses of instruction in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the board may count toward the completion of the hours of supervised experience required pursuant to this subsection if:*

*(1). The course or courses of instruction are equivalent to experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing; and*

*(2). The course or courses of instruction are approved by the board.*

*(b). Training and experience of a person licensed as a limited license ophthalmic dispenser pursuant to NRS 637.121 may count toward the completion of the hours of supervised experience required pursuant to this subsection if:*

*(1). The licensee is in good standing; and*

*(2). The training and experience are approved by the board.*

3. Areas of instruction for ~~[apprenticeship]~~ *an apprentice dispensing optician licensed pursuant to paragraph (f)(1) of subsection 1 of 637.100 of NRS or a person seeking licensing pursuant to paragraph (f)(2) of subsection 1 of 637.100 of NRS* must include the following:

(a) Ocular anatomy, physiology, and refractive anomalies of the eye;

(b) Processes of vision, especially the effect of light, lenses and prisms placed before the eye;

(c) Theoretical optics;

(d) Ophthalmic vocabulary;

(e) Ophthalmic prescription interpretation, *eyeglass lens and contact* lens identification, fitting and adjustment of ~~[glasses]~~ *eyeglasses and contacts*, and use of instruments in the analysis of *eyeglass lenses and contact* lenses in a practical examination;

(f) All facets of ophthalmic dispensing procedures; and

(g) The provisions of this chapter and chapter 637 of NRS.

4. *An apprentice dispensing optician pursuant to paragraph 1 of this subsection or a person pursuant to paragraph 2 of this subsection seeking licensing as an ophthalmic dispenser pursuant to NRS 637.100 must earn 100 hours of training pursuant to paragraph (g)(2) of subsection 1 of 637.100 of NRS.*

*(a). The 100 hours of training and experience in the fitting and filling of prescriptions for contact lenses must include:*

- (1). 30 hours contact lens fitting;*
- (2). 20 hours follow-up to contact lens fitting;*
- (3). 20 hours instrumentation;*
- (4). 15 hours insertion and removal;*
- (5). 5 hours filling prescriptions; and*
- (6). 10 hours inspection.*

*(b). The 100 hours of training and experience pursuant to paragraph (a) of this subsection must be:*

- (1). On a form approved by the board; and*
- (2). Signed by the instructor pursuant to paragraph (g)(2) of subsection 1 of 637.100 of*

*NRS.*

*(c). The completion of a course or courses of instruction in contact lens fitting or contact lens theory at a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the board, may count toward the completion of the course of instruction required by paragraph (g)(1) or 100 hours of training and experience required by paragraph (g)(2) of subsection 1 of 637.100 of NRS if the course or courses of instruction are approved by the board.*

**Section 15.** NAC 637.333 is hereby amended to read as follows:

NAC 637.333 Complaint against licensee or unlicensed person. (NRS 637.070) Any member of the board or public may file a written complaint with the board if he believes:

1. A licensee has violated a provision of this chapter or chapter 637 of NRS; or
2. An unlicensed person is engaged in activities requiring a license pursuant to the provisions of this chapter or chapter 637 of NRS; *or*
3. *An unlicensed person who employs or apprentices another person to perform the services of a dispensing optician and that person is not licensed or apprenticed as a dispensing optician or violates a provision of this chapter or chapter 637 of NRS.*

**Section 16.** NAC 637.337 is hereby amended to read as follows:

NAC 637.337 Review and disposition of complaint. (NRS 637.070)

1. The person designated by the board to review complaints filed pursuant to NAC 637.333 shall review each complaint and may cause any complaint to be investigated.

2. If a complaint is filed ~~[against a licensee]~~ pursuant to ~~[subsection 1 of]~~ NAC 637.333:

(a) The matter will be placed on the board's agenda to consider whether the complaint should be dismissed or investigated further or whether:

*(1) In the case of a licensee pursuant to subsection 1 of NAC 637.333, an accusation should be filed pursuant to NAC 637.440; ~~[and]~~*

*(2) In the case of an unlicensed person pursuant to subsection 2 of NAC 637.333, a cease and desist order should be entered pursuant to NRS 637.181 or other legal action should be taken;*

*(3) In the case of an unlicensed person pursuant to subsection 3 of NAC 637.333, the imposition of a fine should be imposed pursuant to NRS 637.183 or other legal action should be taken.*

(b) The board may send written notice and a copy of the complaint to the ~~[licensee]~~ *person* who is the subject of the complaint.

3. If a ~~[licensee]~~ *person* who is the subject of a complaint does not respond within 20 days after receipt of a written notice of a complaint, he is deemed to have admitted the allegations in the complaint.

~~[4. If a complaint is filed against an unlicensed person pursuant to subsection 2 of NAC 637.333:~~

~~— (a) The matter will be placed on the board's agenda to consider whether the complaint should be dismissed or investigated further or whether legal action should be initiated; and~~

~~— (b) The board may send written notice and a copy of the complaint to the unlicensed person who is the subject of the complaint.]~~

**Section 17.** NAC 637.295 is hereby amended to read as follows:

FIRST PARALLEL SECTION

NAC 637.295 *Limited License*; Continuing education. (NRS 637.070, 637.123) *Expires by limitation on January 31, 2006.*

1. ~~[A licensed]~~ *An* apprentice dispensing optician *who qualifies for licensing pursuant to NRS 637.121* must successfully complete 12 hours of continuing education for each year of his apprenticeship as a prerequisite to the renewal of his license. The continuing education must be completed not later than December 31 of each year and proof of that completion must be submitted to the board not later than January 31 following the year in which the continuing education was completed.

~~[2. The successful completion of the National Academy of Opticians' correspondence course during the period of apprenticeship is equivalent to 48 hours of continuing education and satisfies the requirement for continuing education for 4 years.~~

~~—3.]~~ 2. A course, seminar or workshop for continuing education must be approved by the board's committee on continuing education at least ~~[30]~~ *15* days before it is offered, unless the committee waives this requirement.

*3. A course, seminar or workshop for continuing education approved by the board pursuant to paragraph 2 of this subsection may count toward the hours of continuing education required pursuant to paragraph 1 of this subsection if:*

- (a) The course, seminar or workshop for continuing education is from a school which offers a degree of associate in applied science for studies in ophthalmic dispensing; or*
- (b) Is approved by the board for credit toward the hours of continuing education.*

4. The board may waive or alter the requirement that 12 hours of continuing education be completed annually if the intent of that requirement would not be carried out by its strict application.

SECOND PARALLEL SECTION

NAC 637.295 Continuing education. (NRS 637.070, 637.123)

1. An apprentice dispensing optician must successfully complete ~~[12]~~ *14* hours of continuing education for each year of his apprenticeship as a prerequisite to the renewal of his license. The continuing education must be completed not later than December 31 of each year and proof of that completion must be submitted to the board not later than January 31 following the year in which the continuing education was completed.

~~[2. The successful completion of the National Academy of Opticians' correspondence course during the period of apprenticeship is equivalent to 48 hours of continuing education and satisfies the requirement for continuing education for 4 years.~~

~~3.1~~ 2. A course, seminar or workshop for continuing education must be approved by the board's committee on continuing education at least ~~30~~ 15 days before it is offered, unless the committee waives this requirement.

*3. A course, seminar or workshop for continuing education approved by the board pursuant to paragraph 2 of this subsection may count toward the hours of continuing education required pursuant to paragraph 1 of this subsection if:*

*(a). The course, seminar or workshop for continuing education is from a school which offers a degree of associate in applied science for studies in ophthalmic dispensing; or*  
*(b). Is approved by the board for credit toward the hours of continuing education.*

4. The board may waive or alter the requirement that ~~12~~ 14 hours of continuing education be completed annually if the intent of that requirement would not be carried out by its strict application.

**Section 18.** The following provisions of chapter 637 of NAC are hereby deleted:

NAC 637.145 License required to sell, furnish, dispense or fit contact lenses; prepackaged contact lenses. (NRS 637.070)

1. Except as otherwise provided in subsection 2 and NRS 639.2825, a person who does not hold a license to fit contact lenses or a training license to fit contact lenses shall not sell, furnish, dispense or fit contact lenses.

2. A licensed dispensing optician whose license has been issued by the board may, pursuant to a prescription, sell or furnish a prepackaged contact lens that does not require any adjustment, modification or fitting if he:

(a) Has passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and

(b) Holds a current certificate of registration issued by the National Committee of Contact Lens Examiners.

3. A licensed dispensing optician who chooses to sell or furnish a prepackaged contact lens pursuant to this section shall:

(a) Comply with the continuing education requirements for a dispensing optician who is licensed to fit contact lenses as set forth in NAC 637.200 and 637.210; and

(b) Submit to the board, as part of the annual renewal of his license as a dispensing optician, a copy of his current certificate of registration issued by the National Committee of Contact Lens Examiners.

NAC 637.175 License to fit contact lenses: Application; fee; renewal. (NRS 637.070, 637.122)

1. A licensed dispensing optician who desires to obtain a license to fit contact lenses pursuant to paragraph (a) of subsection 2 of NRS 637.122 must file with the board an application accompanied by payment of a fee of \$200 for the initial issuance.

2. A dispensing optician who is licensed to fit contact lenses shall:

(a) Comply with the continuing education requirements set forth in NAC 637.200 and 637.210; and

(b) Submit to the board, as part of the licensee's annual renewal, a copy of his current certificate of registration issued by the National Committee of Contact Lens Examiners.

NAC 637.177 Training license to fit contact lenses: Application; extension. (NRS 637.070, 637.122)

1. A licensed dispensing optician or licensed apprentice dispensing optician who desires to obtain a license to fit contact lenses by obtaining the training and experience required pursuant to NRS 637.122 must file an application with the board for a training license to fit contact lenses.
2. An application for a training license to fit contact lenses must include:
  - (a) The date of the application for licensure;
  - (b) The date when the training will begin;
  - (c) The name and address of the optical establishment where the training will be conducted;
  - (d) The name and license number of the supervising licensed dispensing optician licensed to fit contact lenses, optometrist or ophthalmologist; and
  - (e) A fee of \$50.
3. Two years after an initial training license to fit contact lenses has been issued, the board may, upon the receipt of a new application and fee of \$50, issue a new training license to fit contact lenses to the applicant.

NAC 637.178 Training license to fit contact lenses: Supervision of person holding license. (NRS 637.070)

1. A supervisor who is licensed in this state must be on the premises of the optical establishment at all times to supervise a person holding a training license to fit contact lenses. In all instances of a supervisor's absence, a substitute supervisor who is licensed in this state must be obtained to supervise the person holding a training license to fit contact lenses.
2. When a permanent change of supervisor is made by the employer, the board must be notified of the change within 30 days.
3. As used in this section, "supervisor" means an ophthalmologist, an optometrist or a licensed dispensing optician who is licensed to fit contact lenses.

NAC 637.210 Continuing education: License to fit contact lenses. (NRS 637.070, 637.135)

1. The continuing education required for the renewal of a license to fit contact lenses must include at least 7 hours of instruction on the subject of fitting contact lenses.
2. A licensed dispensing optician who is licensed to fit contact lenses and who fails to meet the continuing education requirements for the renewal of a license to fit contact lenses does not, for that reason alone, lose his license as a dispensing optician.

NAC 637.240 Fitting contact lenses: Report to prescriber. (NRS 637.070) Upon completing the fitting of a contact lens, the dispenser must provide a written report to the prescriber, in the form prescribed by the board. The dispenser must keep a copy of the report in his records.

**Section 19.** NAC 637.333 is hereby amended to read as follows:

NAC 637.333 Complaint against licensee or unlicensed person. (NRS 637.070) Any member of the board or public may file a written complaint with the board if he believes:

1. A licensee has violated a provision of this chapter or chapter 637 of NRS; or
2. An unlicensed person is engaged in activities requiring a license pursuant to the provisions of this chapter or chapter 637 of NRS.

*3. A person has employed a person who has violated any provision of NRS 637.125 or any provision of this chapter.*

**Section 20.** NAC 637.440 is hereby amended to read as follows:

NAC 637.440 Accusations. (NRS 637.070)

1. Upon its own initiative, or following the receipt and review of a verified complaint filed pursuant to NAC 637.333, the board may cause an accusation to be filed against an *unlicensed person, a person who employs any person who has violated any provision of NRS 637.125, an applicant or holder of a license* alleging one or more grounds for disciplinary action pursuant to NRS 637.150.

2. Facts constituting grounds for disciplinary action must be stated with sufficient particularity to enable the respondent to identify the charges against him. All applicable decisions, statutes, rules and regulations, or orders of the board, must be cited in the accusation, together with the dates on which the acts or omissions complained of allegedly occurred.