

**LCB File No. R201-07**

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

Authority: NRS 637.070, NRS 637.073; AB 249, Section 1.3 and SB 412, Section 64.

**Nevada Administrative Code Chapter 637 is hereby amended as follows:**

**Chapter 637 of NAC is hereby amended by adding thereto a new section to read as follows:**

*“A Person who manages a business engaged in ophthalmic dispensing” means: a licensed optician in charge of ophthalmic dispensing at a specified location or area of a retail establishment. Licensed apprentices are excluded from being in charge of an ophthalmic dispensary. Each place of business that dispenses ophthalmic products to the public must have a separate licensed manager.” General managers of a retail establishment need not be licensed.*

**NAC 637.120 is hereby amended to read as follows:**

*Each member of the Board is entitled to receive the statutory allowable salary per day while engaged in the business of the Board.*

**NAC 637.150(1) is amended to add the following language:**

*(f) a response to the question about whether or not the applicant has had a professional license revoked or suspended in Nevada or any other state or jurisdiction. Circumstances of the revocation must be disclosed or the applicant must submit to a background check; and*

*(g) Proof that the applicant has graduated from high school or has received a General Equivalency Diploma.*

**Chapter 637 of NAC is hereby amended by adding thereto a new section to read as follows:**

*If a person applies to the Board for a special license as a dispensing optician, the applicant must be:*

*(1) at least 18 years of age;*

*(2) of good moral character;*

*(3) a citizen of the United States or lawfully entitled to remain and work in the United States; and*

*(4) a graduate of an accredited high school or its equivalent.*

*The applicant for a special license as a dispensing optician must:*

*(1) Have passed the National Opticianry Competency Examination of the American Board of Opticianry;*

*(2) be currently certified by the National Contact Lens Examiners;*

*(3) have passed the Board’s examination as defined by NAC 637.160(2).*

*Applicants for a special license as a dispensing optician must provide proof that he has current ABO and NCLE certificates.*

**NAC 637.170 is hereby repealed in its entirety.**

**NAC 637.170 Waiver of examination; reexamination.** (NRS 637.070, 637.100, 637.110)

1. The examination required for a license as a dispensing optician pursuant to NAC 637.150 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 that qualifies him to fit and adapt eyeglasses and contact lenses;
- (c) Within the period established by the Board, 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. Upon approval by the Board, 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 if the applicant submits to the Board a fee of \$250 and a written request for reexamination at least 60 days before the next date of general examination.

**NAC 637.280 is hereby amended by adding thereto a new section to read as follows:**

***7. An apprentice dispensing optician must be able to speak and understand the language of the supervisor.***

**Chapter 637 of NAC is hereby amended by adding thereto a new section to read as follows:**

***A dispensing optician must at the place of dispensing, the following optical equipment:***

- 1. A lensometer,***
- 2. A pupilometer, and***
- 3. A lens clock.***

***All equipment must be in good working order. The required equipment is not exclusive and additional equipment is not prohibited.***

**Chapter 637 of NAC is hereby amended by adding thereto a new section to read as follows:**

***The minimum standards of practice adopted by the Board are the American National Standards Institute, as amended and revised from time to time.***