

**ADOPTED REGULATION OF THE  
BOARD OF DISPENSING OPTICIANS**

**LCB File No. R106-14**

Effective November 2, 2016

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

AUTHORITY: §1, NRS 637.045 and 637.070; §§2 and 3, NRS 637.070, 637.100 and 637.110; §4 and 5, NRS 637.070, 637.121 and 637.135; §6, NRS 637.070, 637.100 and 637.123; §7, NRS 637.070 and 637.123; §8, NRS 637.070, 637.100 and 637.125; §9 and 10, NRS 637.070 and 637.100.

A REGULATION relating to dispensing opticians; revising provisions relating to compensation of members of the Board of Dispensing Opticians; revising provisions relating to the examination required for initial licensure as a dispensing optician; revising provisions relating to continuing education requirements for dispensing opticians and dispensing opticians with a limited license; revising the fee for renewal of a license as an apprentice dispensing optician; revising provisions relating to the supervision of and educational requirements for apprentice dispensing opticians; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law and regulations, members of the Board of Dispensing Opticians are entitled to a salary of not more than \$150 per day while engaged in the business of the Board. (NRS 637.045; NAC 637.120) **Section 1** of this regulation clarifies that certain meetings and proceedings are considered to be part of the business of the Board.

Existing law requires an applicant for licensure as a dispensing optician to pass an examination given by the Board and authorizes the Board to waive that requirement for an applicant under certain circumstances. (NRS 637.100, 637.110, 637.127) Existing regulations require an applicant seeking to take such an examination to apply to the Board at least 60 days before the date of the exam and pay a fee of \$350. (NAC 637.150) **Section 2** of this regulation removes the 60-day requirement and lowers the fee to \$100. **Section 2** also lowers the hours of training and experience required for certain applicants from 2,000 to 1,000. Existing regulations require that at least two Board members be present during the examination and authorize the Board to employ other dispensing opticians to assist in administering the practical portion of the examination. (NAC 637.160) **Section 3** of this regulation authorizes the Board to employ others to assist in the administration of the examination and removes: (1) the distinction between a practical section of the examination and a written section of the examination; (2) the approximate

proportion of each subject that is to be included on the examination; and (3) the requirement that two Board members be present during the examination.

Existing law requires a licensed dispensing optician to complete annual continuing education and to submit proof of completion of such continuing education to the Board to renew his or her license. (NRS 637.135, 637.140) Under existing regulations, the Board must approve each course of continuing education offered before a licensed dispensing optician can receive credit for the course. Existing regulations also limit the number of continuing education credits a licensed dispensing optician may receive each year, but allow a certain number of additional credits earned to be applied to the continuing education requirements for the following year. (NAC 637.200) Existing regulations also require a licensed dispensing optician to submit to the Board certificates of completion for continuing education each year with his or her license renewal. (NAC 637.190) **Section 4** of this regulation newly provides that a licensed dispensing optician must submit to the Board a statement affirming that the licensee has taken the required hours of continuing education and listing the courses taken. **Section 4** further authorizes the Board to require a licensed dispensing optician to verify his or her statement regarding continuing education by submitting, at the request of the Board, certificates of completion for the courses listed on the statement submitted to the Board for renewal of the license. **Section 4** also clarifies that a licensed dispensing optician who fails to complete the required number of continuing education hours or makes any false statements or representations regarding the completion of continuing education is subject to discipline by the Board. **Section 5** of this regulation newly authorizes the Board to grant approval for all continuing education courses offered by certain organizations or sponsors recognized by the Board. **Section 5** further provides that licensees who have completed additional hours of continuing education to be applied to the requirements for continuing education the following year must not submit those certificates to the Board unless requested by the Board. **Section 5** also allows licensees to receive up to 4 hours of continuing education credit each year for certain community service time spent providing dispensing optician services.

Existing law authorizes the Board to set a fee, not to exceed \$200, for the renewal of a license as an apprentice dispensing optician. (NRS 637.123) **Section 7** of this regulation raises the renewal fee for a license as an apprentice dispensing optician from \$50 to \$100.

Existing law requires that an apprentice dispensing optician be directly supervised by a licensed dispensing optician, a licensed ophthalmologist or a licensed optometrist. (NRS 637.125) Existing regulations require that a supervisor or a substitute supervisor be on the premises of the optical establishment at all times to directly supervise the apprentice dispensing optician. (NAC 637.280) **Section 8** of this regulation newly provides that: (1) a licensed dispensing optician may not be the supervisor of record for more than two apprentice dispensing opticians; and (2) the Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.

Existing law provides that the license of an apprentice dispensing optician be renewed annually, but such a license may be renewed not more than 4 times, except in certain circumstances. (NRS 637.123) Existing regulations require an apprentice dispensing optician to enroll in an educational program on the theory of ophthalmic dispensing within 3 months after his or her initial licensure, and thereafter to demonstrate orderly progress toward completion of

his or her apprenticeship. (NAC 637.263, 637.285, 637.287) **Section 9** of this regulation raises from 3 months to 6 months the time limit for an apprentice dispensing optician to enroll in an educational program after his or her initial licensure. **Section 9** further requires an apprentice dispensing optician to complete his or her educational program in not more than 40 months, except that an extension of not more than 12 months may be requested by the apprentice dispensing optician and granted by the Board in certain circumstances. Finally, **section 9** provides that an apprentice dispensing optician who fails to meet the various time limits imposed regarding his or her educational program may not renew his or her license as an apprentice dispensing optician, but may reapply for initial licensure after waiting at least 1 year. **Sections 6 and 10** of this regulation make conforming changes regarding the educational program requirements for apprentice dispensing opticians.

**Section 1.** NAC 637.120 is hereby amended to read as follows:

637.120 Each member of the Board is entitled to receive a salary of \$150 per day while engaged in the business of the Board ~~+~~, *including, without limitation, a meeting conducted pursuant to NAC 637.110 and a proceeding conducted pursuant to NAC 637.310 to 637.700, inclusive.*

**Sec. 2.** NAC 637.150 is hereby amended to read as follows:

637.150 1. An application for an examination required to obtain a license as a dispensing optician pursuant to NRS 637.120 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 or she has met the requirements set forth in NRS 637.100.
- (b) Three letters concerning his or her character from references, one of which must be from a dispensing optician or a person who has worked in the optical industry with the applicant.
- (c) An affidavit attesting to the truthfulness of all statements made in the application.
- (d) Proof of completion of the hours of training and experience required pursuant to subparagraph (2) of paragraph (g) of subsection 1 of NRS 637.100.

(e) A statement indicating whether he or she has had a professional license revoked or suspended in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the revocation or suspension and, if requested by the Board, submit to a background check.

(f) A statement indicating whether he or she has been convicted of a misdemeanor, gross misdemeanor or felony in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the conviction and, if requested by the Board, submit to a background check.

3. For the purposes of paragraph (d) of subsection 1 of NRS 637.100, the Board will consider an applicant who has received a general equivalency diploma to have graduated from the equivalent of an accredited high school.

4. An applicant 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 obtain the required ~~12,000~~ 1,000 hours of training and experience.

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

6. A fee of ~~350~~ \$100 must accompany the application. ~~Upon approval by the Board, an applicant who has failed the examination may be reexamined 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 examination.~~

~~7. An applicant who has failed the examination may request to retake the examination.]~~

**Sec. 3.** NAC 637.160 is hereby amended to read as follows:

637.160 1. The Board's examination for a license as a dispensing optician will test the dispensing skills *and knowledge* of the applicant . ~~{and will consist of a practical section and a written section.}~~

2. ~~{Each section of the}~~ *The* examination will test the applicant's proficiency and knowledge in the following subjects : ~~{and approximate proportions:}~~

(a) ~~{For the practical section:~~

~~—(1)}~~ Neutralization of ophthalmic products ~~{, 30 percent.~~

~~—(2)}~~ ;

(b) Ophthalmic product identification ~~{, 5 percent.~~

~~—(3)}~~ ;

(c) Ophthalmic instrumentation ~~{, 10 percent.~~

~~—(b) For the written section:~~

~~—(1)}~~ ;

(d) Optical theory ~~{, 15 percent.~~

~~—(2)}~~ ;

(e) Dispensing of ophthalmic products ~~{, 10 percent.~~

~~—(3)}~~ ;

(f) The provisions of this chapter and chapter 637 of NRS ~~{, 15 percent.~~

~~—(4)}~~ ; *and*

(g) Anatomy, physiology and health of the eye . ~~{, 15 percent.}~~

3. If an applicant for a license as a dispensing optician holds a limited license as a dispensing optician in good standing, the Board may modify the examination described in this

section to test the applicant's proficiency and knowledge in the following subjects ~~and~~  
~~approximate proportions:~~

~~—(a) For the practical section:~~

~~—(1):~~

~~(a) Neutralization of ophthalmic products **{, 20 percent.**~~

~~—(2);~~

~~(b) Instrumentation and fitting **{, 20 percent.**~~

~~—(b) For the written section:~~

~~—(1);~~

~~(c) Basic contact lens **{, 30 percent.**~~

~~—(2);~~

~~(d) The provisions of this chapter and chapter 637 of NRS **{, 15 percent.**~~

~~—(3); and~~

~~(e) Slide identification . **{, 15 percent.}**~~

4. The ~~{examination will be conducted in the presence of at least two board members, both of whom must be dispensing opticians. Other dispensing opticians may be employed by the}~~ Board *may employ others* to assist in administering the ~~{practical}~~ examination.

~~{5. The Board will provide to an applicant who fails the examination written notification of the percentage scored in each subject.}~~

Sec. 4. NAC 637.190 is hereby amended to read as follows:

637.190 1. Except as otherwise provided in subsection ~~{2, a copy of a certificate proving}~~ **4, a statement affirming** that a dispensing optician or a dispensing optician with a limited license has ~~{taken}~~ **completed** the required hours of continuing education must be submitted to the Board

at the time of license renewal. *The dispensing optician or dispensing optician with a limited license must:*

*(a) Sign the statement; and*

*(b) For each course completed, include in the statement the:*

*(1) Name of the course;*

*(2) Date on which the course was completed; and*

*(3) Number of hours of credit given for the course.*

*2. The Board may require a dispensing optician or a dispensing optician with a limited license to submit verification of the statement required by subsection 1. A dispensing optician or dispensing optician with a limited license who is notified by the Board that he or she has been chosen to submit verification pursuant to this subsection must submit to the Board a copy of the certificate of completion for each course of continuing education listed by the dispensing optician or dispensing optician with a limited license on his or her statement submitted pursuant to subsection 1.*

*3. Each dispensing optician and dispensing optician with a limited license must retain a copy of the certificate of completion for each course of continuing education taken for 3 years after the date of completion of the course of continuing education.*

*4. A dispensing optician ~~{or dispensing optician with a limited license}~~ who received his or her license by examination is not required to submit a *statement described in subsection 1 or copies {copy}* of ~~{a certificate}~~ *certificates* of continuing education for the first renewal of the license.*

*5. A dispensing optician or a dispensing optician with a limited license who fails to complete the required number of hours of continuing education or who makes any false*

*statement or representation regarding the completion of hours of continuing education is subject to discipline pursuant to NRS 637.150.*

**Sec. 5.** NAC 637.200 is hereby amended to read as follows:

637.200 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 and 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;
- (h) Refractometry;
- (i) Anatomy, physiology and health of the eye;
- (j) Ethics in ophthalmic dispensing;
- (k) Ophthalmic products;
- (l) Cardiopulmonary resuscitation training; and
- (m) The provisions of this chapter and chapter 637 of NRS.

2. ~~The~~ *Except as otherwise provided in subsection 3, 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. *The Board may deem approved those courses of continuing education:*

*(a) Approved for credit by an accrediting organization recognized and approved by the Board; or*

*(b) Provided by a sponsor or organization that has been approved by the Board.*

4. 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 or her 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.}~~ 5. A licensee ~~{who attends the same educational lecture}~~ *may not receive credit towards his or her hours of continuing education for a specific course of continuing education more than once every 3 years .* ~~{is entitled to count only his or her original attendance as credit toward the licensee's hours of continuing education.}~~

~~—5.}~~ 6. A dispensing optician with a limited license may not receive more than a total of six credits each year towards his or her hours of continuing education for completion of self-study courses or courses offered over the Internet.

~~{6.}~~ 7. A dispensing optician may not receive more than a total of seven credits each year towards his or her hours of continuing education for completion of self-study courses or courses offered over the Internet.

~~{7.}~~ 8. A dispensing optician with a limited license shall complete at least 12 hours of continuing education *not later than December 31 of* each year. The dispensing optician with a limited license 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.

~~18.1~~ 9. A dispensing optician shall complete at least 14 hours of continuing education *not later than December 31 of* each year, including 7 hours of instruction related to the practice and theory 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.

*10. A dispensing optician or dispensing optician with a limited license who completes additional hours of continuing education pursuant to subsection 8 or 9, as applicable, may not submit to the Board the certificate of completion for each course in which those additional hours of continuing education were completed unless he or she is required to do so pursuant to NAC 637.190.*

*11. A dispensing optician or dispensing optician with a limited license may receive credit for not more than 4 hours of continuing education each year for community service time spent providing dispensing optician services. Such credit:*

*(a) Must be evidenced on a form provided by and submitted to the Board; and*

*(b) Subject to the limit of 4 hours, will be credited on an hour-for-hour basis if approved by the Board.*

Sec. 6. NAC 637.263 is hereby amended to read as follows:

637.263 1. Except as otherwise provided in subsection 2 ~~1~~ and NAC 637.285, an apprentice dispensing optician who fails to renew his or her license before the license expires on January 31 of each year may have the license reinstated if the apprentice dispensing optician:

(a) ~~Provides proof that he or she made orderly progress toward the completion of his or her apprenticeship pursuant to NAC 637.287;~~

~~(b)~~ Pays the renewal fee; and

~~[(e)]~~ (b) Pays the delinquency fee.

2. The Board will not reinstate the delinquent license of an apprentice dispensing optician who does not apply for reinstatement before March 1 of each year.

**Sec. 7.** NAC 637.265 is hereby amended to read as follows:

637.265 1. The fee for the annual renewal of a license as an apprentice dispensing optician is ~~[\$50.]~~ ***\$100.***

2. The annual delinquency fee for reinstatement of a license as an apprentice dispensing optician is \$100.

**Sec. 8.** NAC 637.280 is hereby amended to read as follows:

637.280 1. ~~[(A)]~~ ***An apprentice dispensing optician must have on file with the Board a supervisor of record who is licensed in this State. An apprentice dispensing optician may not have more than one supervisor of record. A licensed dispensing optician may be the supervisor of record for not more than two apprentice dispensing opticians.***

2. ***Except as otherwise provided in this subsection, the*** supervisor ~~[who is licensed in this State]~~ ***of record of an apprentice dispensing optician*** must be on the premises of the optical establishment at all times to directly supervise ~~[an]~~ ***the*** apprentice dispensing optician. In all instances of ~~[a supervisor's]~~ ***the*** absence ~~[,]~~ ***of the supervisor of record,*** a substitute supervisor who is licensed in this State must be obtained to directly supervise the apprentice dispensing optician.

~~[(2)]~~ 3. When a permanent change of supervision is made, ~~[by the employer,]~~ the ~~[supervisor and]~~ apprentice dispensing optician shall notify the Board, in writing, of the ***permanent*** change within 10 ***business*** days ~~[-]~~

~~[-]~~ ***after the permanent change.***

4. A supervisor *of record or a substitute supervisor* shall not directly supervise more than two apprentice dispensing opticians at any one time.

~~{4.}~~ 5. Except as otherwise provided in subsection ~~{5.}~~ 6, an apprentice dispensing optician and his or her ~~{supervisor}~~ *supervisor of record* must be employed by the same employer at the same work location.

~~{5.}~~ 6. An apprentice dispensing optician may be directly supervised by any *licensed* dispensing optician authorized to fit and fill prescriptions for contact lenses, *licensed* ophthalmologist or *licensed* optometrist in order to complete the 100 hours of training and experience in the fitting and filling of prescriptions for contact lenses required pursuant to subparagraph (2) of paragraph (g) of subsection 1 of NRS 637.100.

~~{6.}~~ 7. An apprentice dispensing optician ~~{and}~~, his or her supervisor *of record and his or her substitute supervisor* must ~~{each}~~ be able to read, write, speak and understand the English language.

~~{7.}~~ 8. *The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.*

9. As used in this section:

(a) “Directly supervise” means physically providing individual direction, control, inspection and evaluation of work based on the training, experience and education of the apprentice dispensing optician, and any other relevant factors.

(b) *“Permanent change” means a change in the supervisor of record of an apprentice dispensing optician that lasts 7 days or longer.*

(c) “Supervisor ~~{}~~ *of record*” means an ophthalmologist, an optometrist or a dispensing optician who directly supervises the apprentice dispensing optician.

**Sec. 9.** NAC 637.285 is hereby amended to read as follows:

637.285 *1.* An apprentice dispensing optician shall, within ~~13~~ 6 months after the date of his or her initial licensure as an apprentice dispensing optician, submit evidence to the Board that he or she is enrolled in an educational program on the theory of ophthalmic dispensing approved by the Board. *An apprentice dispensing optician who fails to enroll in such an educational program or fails to submit evidence to the Board as required by this subsection may not renew his or her license as an apprentice dispensing optician.*

*2. Except as otherwise provided in subsection 3, an apprentice dispensing optician must complete his or her educational program required by subsection 1 not more than 40 months after the date of his or her initial licensure as an apprentice dispensing optician.*

*3. An apprentice dispensing optician may request an extension of the 40-month time limit imposed by subsection 2. Such an extension:*

*(a) May not exceed 12 months; and*

*(b) Must be requested on a form provided by and submitted to the Board not later than 90 days before the expiration of the 40-month time limit imposed by subsection 2.*

*4. Upon receipt of a request for an extension pursuant to subsection 3, the Board will grant the request if the Board finds that:*

*(a) The reason for or cause necessitating the request for an extension is the result of circumstances that are emergent or were unforeseeable or otherwise outside the control of the apprentice dispensing optician;*

*(b) The length of the requested extension is reasonable under the circumstances; and*

*(c) The apprentice dispensing optician will be able to complete his or her educational program within the requested extension of time.*

*5. An apprentice dispensing optician who fails to complete his or her educational program in the time required by this section may not renew his or her license as an apprentice dispensing optician.*

*6. An apprentice dispensing optician who is not allowed to renew his or her license pursuant to subsection 1 or 5 may reapply for initial licensure as an apprentice dispensing optician not sooner than 1 year after the date on which his or her previous license as an apprentice dispensing optician expired.*

**Sec. 10.** NAC 637.287 and 637.295 are hereby repealed

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**TEXT OF REPEALED SECTIONS**

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**637.287 Demonstration of orderly progress toward completion of apprenticeship.** (NRS 637.070, 637.100)

1. At the time an apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 applies for the renewal of his or her license, the apprentice dispensing optician must demonstrate to the Board that he or she made orderly progress during the current year toward the completion of his or her apprenticeship.

2. The Board will consider the following as proof of orderly progress:

(a) For an apprentice dispensing optician who has not yet completed the educational program on the theory of ophthalmic dispensing in which the apprentice dispensing optician is required to

be enrolled pursuant to NAC 637.285 and who has been licensed for at least 6 months of the calendar year:

(1) Successful completion of one or more educational courses as part of an approved program for a degree of associate in applied science for studies in ophthalmic dispensing; or

(2) Successful completion of one or more college or home-study courses as part of an approved program for a certificate for studies in ophthalmic dispensing or contact lens theory.

(b) For an apprentice dispensing optician who has completed the educational program on the theory of ophthalmic dispensing in which the apprentice dispensing optician is required to be enrolled pursuant to NAC 637.285:

(1) Successful completion of 100 hours of practical instruction or training in contact lenses;

(2) Taking or passing the examination of the American Board of Opticianry;

(3) Taking or passing the Contact Lens Registry Examination of the National Contact Lens Examiners;

(4) Taking or passing the Board's examination for a license as a dispensing optician; or

(5) Successful completion of at least 14 hours of continuing education in accordance with NAC 637.295 if the apprentice:

(I) Made orderly progress as described in each of subparagraphs (1) to (4), inclusive, before the current renewal period; and

(II) Does not have the experience required in NRS 637.100 to qualify for the Board's examination for a license as a dispensing optician.

**637.295 Continuing education.** (NRS 637.070, 637.123)

1. Except as otherwise provided in subsection 2, an apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 must make orderly progress as described in NAC 637.287 for each year of his or her apprenticeship as a prerequisite to the renewal of his or her license. For the purpose of proving orderly progress pursuant to subparagraph (5) of paragraph (b) of subsection 2 of NAC 637.287, continuing education must meet the requirements of this section and proof of successful completion of the continuing education must be submitted to the Board not later than January 31 following the calendar year in which the continuing education was completed.

2. A course, seminar or workshop for continuing education must be:

(a) Approved by the Board or the Board's committee on continuing education at least 15 days before it is offered; or

(b) Taught in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing and which is nationally or regionally accredited.

3. The Board may waive or alter the requirements of this section relating to continuing education if the intent of the requirements would not be carried out by its strict application.



**INFORMATIONAL STATEMENT FOR  
REGULATION PROPOSED BY THE NEVADA STATE BOARD OF DISPENSING OPTICIANS**

**(LCB No. R106-14)**

The following statement is submitted for the proposed amendment and additions to NAC chapter 637.

**1. A clear and concise explanation of the need for the adopted regulation.**

*The regulations are needed to modernize some of the core processes of the Board to allow for more flexibility and efficiency in the Board's operations and improved service to the Board's opticians and apprentices. The need for each of the various sections of the regulation is set out in the following table:*

Sec.	NAC Provision	Effect	Need
1	637.120	Clarifies those activities that would entitle a Board member to the daily salary of \$150	The Board needs clarification for its staff to assure that Board members are properly paid for their service
2	637.150	(1) Removes the application deadline that was tied to the examination date; (2) Alters the required number of experiential hours for some applicants to take into consideration current working conditions, including the unavailability of full-time positions for Apprentice licensees; (3) Eliminates the Board's examination fee and replaces it with an application fee of \$100.	The Board needs the three changes because: (1) The application deadline is frustrating and delaying licensure for otherwise qualified applicants; (2) NRS 637.100 requires some applicants to obtain one year of experience. The former version of the regulation requires 2,000 hours of experience, which cannot be reasonably obtained within one year of employment by most applicants, so the requirement was changed to 1,000 hours; (3) The Board determined a need to adopt a qualifying exam that is more up-to-date and equitable than the current licensing exam; under the new exam scheme the Board will no longer need to collect exam fees
3	637.160	Removes specific percentage requirements for specific subject matters on the Board's examination and combines	In order to adopt a more suitable qualifying exam (see Section 2), the Board needs to alter the former regulation's rigid structure

		conceptually the written and practical examinations; also allows persons other than Board members to assist in the administration of the examination	regarding percentage requirements for each subject matter and strict separation of the written and practical examinations. The former regulation was unworkable and did not take into account changes in the profession, so the Board increased the effectiveness of the testing regime by making it more flexible and realistic
4	637.190	Moves the Board from a system of receiving and reviewing all continuing education from every licensee to an auditing methodology	The Board needs to move to the auditing methodology used by other licensing boards to allow the Board's staff to focus its efforts on more critical functions; the Board's increasing number of licensees has made the collection and review of all continuing education from every licensee impractical
5	637.200	See answer to Sec. 4	See answer to Sec. 4
6	637.263	Removes the obligation of an apprentice to prove "orderly progress" on each annual renewal	The Board needs to remove the burden of policing the progress of its apprentices on a yearly basis, which was consuming one or two entire Board meetings per year; the Board is placing the responsibility on the apprentices to assure their own progression towards full licensure, similar to the processes of other licensing boards
7	637.265	Increases an apprentice's annual renewal fee from \$50 to \$100	The Board needs to increase apprentices' renewal fees because the quantity of apprentice renewals has increased, and therefore, also the workload on the Board's staff
8	637.280	Clarifies the requirements for supervision by a licensed optician for an apprentice	The Board needs to clarify the rules and reporting applicable to licensed opticians who supervise apprentices; this is one of the leading causes of complaints and disciplinary investigations, so

			clearer rules are hoped to alleviate some of the causes for complaints and discipline and to increase accountability for licensed opticians to assure optimum training of apprentices
9	637.285	Adds new language to clarify the educational requirements for apprentices, including creating a 40-month time limit within which the education must be completed so that apprenticeships cannot be perpetual	The Board needs to create accountability for apprentices who are not completing their educational requirements in a timely manner and who are, in some cases, apprentices for as long as nine years without ever completing the requirements for full licensure as an optician
10	637.287 637.295	& Repeals the two provisions	The Board no longer needs NAC 637.287 because of the changes worked by Sec. 9 and no longer needs NAC 637.295 because of the changes worked by Secs. 4 & 5

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

*The Board discussed and crafted the language that ultimately became R106-14 at its regular meetings on June 11, 2014, August 13, 2014, October 6, 2014, February 11, 2015, April 8, 2015, July 8, 2015, and August 12, 2015. At each meeting, some of the Board’s licensees were in attendance and several spoke as to various aspects of the regulations, though the central focus of the comments was tangentially-related issues such as whether licensees would continue to receive continuing education credit for attending Board meetings and whether the Board might adopt a national examination to replace its present examination. Based upon the discussions, the Board made some changes to the proposed language.*

*On October 20, 2015, the Board held a workshop regarding R106-14. Some of the Board’s licensees attended and participated in the workshop. Though numerous of the Board’s licensees spoke, as before, most of the comments focused on tangential issues such as whether licensees would continue to receive continuing education credit for attending Board meetings and whether the Board might adopt a national examination to replace its present examination. Because the tangential issues were not actually part of the regulation at issue, they were discussed with the participants but did not effectuate any change to the regulations.*

*On June 14, 2016, the Board held a regulation hearing regarding R106-14. The hearing was video-conferenced between locations in Las Vegas and Carson City. Copies of the notice of hearing and the proposed text of R106-14 were e-mailed to all the Board’s*

*licensees for whom the Board had e-mail addresses and mailed to all people who have sought such public documents pursuant to the Nevada Open Meeting Law. The Notice of Hearing and the proposed text of R106-14 were sent to a total of 460 persons. Fourteen of the Board's licensees submitted written comments in response to the Notice and six licensees testified in person at the hearing. As before at the Board's informal discussion of the regulations and at the workshop, most of the comments focused on the tangential issue of the Board's adoption of a national certification exam to replace the present board-administered examination. Some questioned whether licensure requirements were being removed or lessened, but those questions were addressed by pointing the audience to NRS provisions that contain the licensure requirements at issue. Because the tangential issues were not actually part of the regulation at issue, they were discussed with the participants but did not effectuate any change to the regulations.*

*Because of the obvious interest in the proposed regulation, the Board held an additional hearing on August 10, 2016 in Las Vegas. Copies of the Notice of Hearing and the proposed text of R106-14 were emailed to all of the Board's licensees for whom the Board had e-mail addresses and mailed to all people who have sought such public documents pursuant to the Nevada Open Meeting Law. The Notice of Hearing and the proposed text of R106-14 were sent to a total of 461 persons. Five of the Board's licensees submitted written comments in response to the Notice and seven licensees testified in person at the hearing. As before during the Board's informal discussion of the regulations at its meetings, at the workshop, and at the June 14<sup>th</sup> hearing, most of the comments focused on the tangential issue of the Board's adoption of a national certification exam to replace the present board-administered examination. Some questioned whether licensure requirements were being removed or lessened, but as before, those questions were addressed by pointing the audience to NRS provisions that contain the licensure requirements at issue. Because the tangential issues were not actually part of the regulation at issue, they were discussed with the participants but did not effectuate any change to the regulations at issue.*

*A summary of the public comment, as required by NRS 233B.066(1)(b), may be obtained by contacting Corinne Sedran, Executive Director, by e-mail addressed to [info@nvopticians.org](mailto:info@nvopticians.org), by phone at (775) 689-0132, or by regular mail addressed to 4790 Caughlin Parkway #241, Reno, Nevada 89519-0907.*

**3. The number of persons who:**

**(a) Attended the October 20, 2015 Workshop – 46**  
**Testified at the October 20, 2015 Workshop – 4**

**(b) Attended the June 14, 2016 Hearing – 50**  
**Testified at the June 14, 2016 Hearing – 6**  
**Attended the August 10, 2016 Hearing – 46**  
**Testified at the August 10, 2016 Hearing – 7**

**(c) Submitted written statements for the October 20, 2015 Workshop – 0**  
**Submitted written comments for the June 14, 2016 Hearing – 14**

**Submitted written comments for the August 10, 2016 Hearing – 5**

**4. For each person identified in subparagraph (b) and (c) above, following is the information that was provided to the Nevada State Board of Dispensing Opticians:**

<b>Name</b>	<b>Phone #</b>	<b>Business Address</b>	<b>Business Phone #</b>	<b>E-mail</b>	<b>Representing</b>	<b>Hearing</b>
Linda Brown	None provided	None provided	None provided	lyoneyes@charter.net	Self	6/14/16
Temma Chaparro	(530) 305-5351	None provided	None provided	babywarrior@aol.com	Self	10/20/15 8/10/16
Chris DeVaul	None provided	None provided	None provided	Chris.devaul@gmail.com	Self	6/14/16
Elizabeth Guriglia	(702) 569-5272	None provided	None provided	None provided	Self	8/10/16
Brent Hanson	None provided	None provided	None provided	Bhanson1990@gmail.com	Self	6/14/16
Scott Helkaa	None provided	None provided	None provided	Scott.helkaa@csn.edu	Self	10/20/15 6/14/16
Edward Jiongco	None provided	None provided	None provided	edjoptician@yahoo.com	Self	8/10/16
Lori Leonard	None provided	None provided	None provided	loridave@hotmail.com	Self	6/14/16
Kyler Lund	None provided	None provided	None provided	None provided	Self	8/10/16
Carole Neel	(702) 612-2514	None provided	None provided	None provided	Self	8/10/16
Robert Olds	None provided	None provided	None provided	Rolds52@hotmail.com	Self	10/20/16
Mary Ruth	(775) 848-9320	None provided	None provided	None provided	Self	6/14/16 8/10/16
Tina Sanchez	None provided	None provided	None provided	tibuchick@yahoo.com	Self	8/10/16
Tamara Sternod	None provided	None provided	None provided	tsternod@gmail.com	Self	6/14/16
David Stuart	None provided	None provided	None provided	davidbstuart@yahoo.com	Self	10/20/16

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

*Comments were solicited by emailing the Notice of Hearing and the text of R106-14 to all of the Board's licensees and to all persons on the Board's mailing list maintained pursuant to the Open Meeting Law. Other interested persons may obtain a copy of the comments received by contacting the Board's Executive Director.*

- 6. If the regulation was adopted with changes to any part of the proposed regulation, a summary of the reasons for adopting the regulation with change.**

*The testimony received and written documents presented at the hearings were considered by the Board and resulted in a single amendment to the language of R106-14 that was adopted by the Board. The amendment changed the regulation's required retention period for proof of continuing education credits from 2 years to 3 years. This change will facilitate the Board's oversight by audit of continuing education requirements.*

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects.**

*An anticipated adverse effect is the increase of an apprentice's annual license renewal fee from \$50 to \$100. An anticipated beneficial effect is the elimination of travel costs to those persons seeking to take the Board's licensing examination. Neither effect is anticipated to have a significant resulting financial effect on optical businesses or the public.*

- (b) Both immediate and long-term effects.**

*The anticipated adverse and beneficial economic effects would be both immediate and long-term.*

- 8. The estimated cost to the agency for enforcement of the adopted regulation.**

*There will be no significant cost to the Nevada State Board of Dispensing Opticians to enforce the proposed regulation.*

- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

*There are no similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.*

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

*This proposed regulation is not more stringent than any federal law or regulation.*

- 11. If the 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.**

