

PROPOSED REGULATION OF THE BOARD OF DISPENSING OPTICIANS

LCB File No. R106-14

NAC Chapter 637 Proposed Revisions

BOARD OF DISPENSING OPTICIANS

NAC 637.100 Officers. (NRS 637.040, 637.070)

1. The Board will elect its officers at its first regular or special meeting after October 1 of each year.
 2. The term of office is 1 year.
 3. *Board officers will be limited to a total of five consecutive or non-consecutive 1-year terms.* [Bd. of Dispensing Opt., No. 13.1, eff. 10-6-78; A 11-30-79; Nos. 13.2-13.4, eff. 10-6-78; No. 13.5, eff. 11-30-79]—(NAC A by R042-02, 8-29-2002)
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NAC 637.120 Salary of members. (NRS 637.045, 637.070)

1. Each member of the Board is entitled to receive a salary of \$150 per day while engaged in the business of the Board.
 2. *Each member of the Board is entitled to receive compensation of \$150 for the handling of a single complaint. This compensation covers any and all responsibilities related to reviewing the complaint, giving recommendations to the board, or giving testimony regarding the complaint at a hearing.*
 3. *Each member of the board is entitled to receive compensation of \$50 for the review and approval or denial of an application for licensure received by the board.* (Added to NAC by Bd. of Dispensing Opt., eff. 3-7-90; A by R201-07, 4-17-2008)
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LICENSING

NAC 637.132 Special license: Interpretation of statutory requirements. (NRS 637.070)
With respect to an applicant for a special license as a dispensing optician pursuant to NRS 637.127, the Board will interpret:

1. The requirement of passing an examination administered *or approved* by the Board set forth in paragraph (i) of subsection 1 of NRS 637.127 to mean that the applicant must pass the Board's *approved* examination for a license as a dispensing optician set forth in NAC 637.160.
 2. The requirement of 5 years of experience as a dispensing optician set forth in subparagraph (2) of paragraph (j) of subsection 1 of NRS 637.127 to include as a portion thereof the requirement of 100 hours of experience relating to the fitting and filling of prescriptions for contact lenses set forth in subsection 1 of NAC 637.148.
(Added to NAC by Bd. of Dispensing Opt. by R201-07, eff. 4-17-2008)
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NAC 637.160 Scope, content and administration of examination. (NRS 637.070, 637.100, 637.110)

1. The Board's examination for a license as a dispensing optician will test the dispensing skills of the applicant and will consist of a practical section and a written section.
2. Each section of 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) Ophthalmic product identification, 5 percent.
 - (3) Ophthalmic instrumentation, 10 percent.
 - (b) For the written section:
 - (1) Optical theory, 15 percent.
 - (2) Dispensing of ophthalmic products, 10 percent.
 - (3) The provisions of this chapter and chapter 637 of NRS, 15 percent.
 - (4) 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) Neutralization of ophthalmic products, 20 percent.
 - (2) Instrumentation and fitting, 20 percent.
 - (b) For the written section:
 - (1) Basic contact lens, 30 percent.
 - (2) The provisions of this chapter and chapter 637 of NRS, 15 percent.
 - (3) 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 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.

6. In lieu of a state board examination, the board may require its licensees to pass an equivalent board-approved optical exam administered by an outside organization.

[Bd. of Dispensing Opt., Nos. 19.1 & 19.2, eff. 10-6-78; A 10-16-80; No. 19.3, eff. 10-6-78; A 11-30-79; No. 19.5, eff. 10-16-80]—(NAC A by R042-02, 8-29-2002; R108-04, 12-1-2004; R113-06, 6-28-2006; R073-12, 6-3-2013)

NAC 637.190 Continuing education: Submission of certificate; exemption. (NRS 637.070, 637.121, 637.135)

1. Except as otherwise provided in subsection 2, a copy of a certificate proving that a dispensing optician or a dispensing optician with a limited license has taken the required hours of continuing education must be submitted to the Board at the time of license renewal.
- 2. The board may, at its discretion, institute a policy of auditing its licensees at the time of renewal, in lieu of collecting continuing education certificates from every licensee. In such case, the board office will notify licensees at the time of renewal if they have been chosen for***

an audit. Any licensee who is notified must furnish the board with copies of certificates proving the licensee has taken the required hours of continuing education.

3. Pursuant to subsection 2, in the case the board institutes a policy of auditing its licensees, a licensee must remain in possession of continuing education certificates applied to the most current renewal until notified otherwise by the board.

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 copy of a certificate of continuing education for the first renewal of the license.

[Bd. of Dispensing Opt., No. 20.5, eff. 10-6-78; No. 20.6, eff. 11-30-79]—(NAC A by R042-02, 8-29-2002; R108-04, 12-1-2004)

NAC 637.200 Continuing education: Subjects; approval of and credit for courses; minimum hours. (NRS 637.070, 637.121, 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 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 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. *The board may grant blanket pre-approval to courses provided by a given sponsor, or courses approved for credit by an accrediting organization recognized by the Board.*

3. A licensee is not entitled to receive credit ~~for a course of continuing education unless the course is~~ *for continuing education courses not* 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. A licensee *may only receive renewal credit for a particular continuing education course once every three years.* ~~who attends the same educational lecture 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. 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. 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. A dispensing optician with a limited license shall complete at least 12 hours of continuing education 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. *The dispensing optician with a limited license is required to maintain possession of any continuing education credit certificates to be applied to the following year's renewal, and should not submit said certificates to the board office in advance of the renewal to which they will be applied.*

8. A dispensing optician shall complete at least 14 hours of continuing education 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. *The dispensing optician is required to maintain possession of any continuing education credit certificates to be applied to the following year's renewal, and should not submit said certificates to the board office in advance of the renewal to which they will be applied.*

[Bd. of Dispensing Opt., Nos. 20.3 & 20.4, eff. 10-6-78; No. 20.7, eff. 10-16-80]—(NAC A 11-14-97; R042-02, 8-29-2002; R108-04, 12-1-2004; R113-06, 6-28-2006)

APPRENTICE DISPENSING OPTICIANS

NAC 637.265 Fee for renewal or reinstatement of license. (NRS 637.070, 637.123)

1. The fee for the annual renewal of a license as an apprentice dispensing optician is ~~150~~ \$75.
2. The annual delinquency fee for reinstatement of a license as an apprentice dispensing optician is \$100.

(Added to NAC by Bd. of Dispensing Opt. by R108-04, eff. 12-1-2004)

NAC 637.280 Supervision of apprentice. (NRS 637.070, 637.100, 637.125)

1. *Each licensed apprentice must have at least one supervisor of record on file with the board office. The board may, at its discretion, amend the number of supervisors of record an apprentice may keep on file with the board office. A licensed optician in this State may act as supervisor of record for no more than two licensed apprentices.*
2. ~~4.~~ Except as otherwise provided in subsection ~~5~~ 7, an apprentice dispensing optician and his or her supervisor *of record* must be employed by the same employer at the same work location.
3. *The board may, at its discretion, require a supervisor of record to conduct a periodic review of the apprentice.*

~~4. 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 change within 10 days.~~

When an apprentice makes a permanent change of supervisor of record, the apprentice must submit a change of supervision form to the board office within five business days of

the change. A change of seven days or more is a permanent change for the purpose of this regulation.

5. An *apprentice's* supervisor *of record* ~~{who is licensed in this State}~~ must be on the premises of the optical establishment at all times *the apprentice is dispensing* to directly supervise *the* ~~{an}~~ apprentice ~~{dispensing optician}~~. In all instances of a supervisor's absence, a substitute supervisor who is a licensed *optician* in this State must be obtained to directly supervise the apprentice ~~{dispensing optician}~~. *The board may, at its discretion, require an optical establishment to keep a log of temporary supervision which relates dates on which substitute supervisors were obtained to supervise licensed apprentices and the names of those supervising and being supervised.*
6. A supervisor *of record or substitute supervisor* shall not directly supervise more than two apprentice dispensing opticians at any one time.
7. An apprentice dispensing optician may be directly supervised by any *licensed* dispensing optician authorized to fit and fill prescriptions for contact lenses, ophthalmologist or 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.
8. An apprentice dispensing optician and his or her supervisor must each be able to read, write, speak and understand the English language.
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) "Supervisor" means an ophthalmologist, an optometrist or a dispensing optician who directly supervises the apprentice dispensing optician.

[Bd. of Dispensing Opt., No. 17.1, eff. 10-6-78; No. 17.2, eff. 11-30-79]—(NAC A 3-7-90; R042-02, 8-29-2002; R108-04, 12-1-2004; R113-06, 6-28-2006; R201-07, 4-17-2008; R043-10, 6-30-2010; R073-12, 6-3-2013)