

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

LCB FILE NO. R109-201

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GENERAL PROVISIONS

NAC 637.001 Definitions. ([NRS 637.070](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 637.003](#) to [637.008](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002; A by R108-04, 12-1-2004)

NAC 637.003 “Board” defined. ([NRS 637.070](#)) “Board” means the Board of Dispensing Opticians.

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002)

NAC 637.006 “Dispensing optician” defined. ([NRS 637.070](#)) “Dispensing optician” means a person engaged in the practice of ophthalmic dispensing.

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002)

NEW PROVISION: *“Ophthalmic dispensing” definition interpreted (NRS 637.022) “Ophthalmic dispensing” means the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription. As used in this chapter and NRS 637.022, the board will interpret the “design” of ophthalmic products to include making recommendations to customers regarding the proper lens materials or other favorable design features based upon the customers’ particular prescriptions. The board will interpret “verification of the quality of finished ophthalmic products” to mean a physical final inspection of the finished product. Such an inspection must be made by a licensed dispensing optician before it is delivered to the customer. The finished product may not be delivered to the customer by mail or other means until physically inspected by a licensed optician. The board will interpret “delivery” to mean the final, written authorization to deliver the product to the customer, which may only be given by the licensed optician who performed the required physical verification of the ophthalmic product. It will not be interpreted to mean the licensed optician must physically hand the final product to the customer or be physically present when the product is given to the customer, or that the product may not be delivered to the customer via mail or other delivery methods.*

“The prescription and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear” is interpreted to include the preparation of electronic work orders via entry of prescription information into a computer or other electronic or online system; it will not be interpreted to include cashiering duties.

NAC 637.007 “Hour of continuing education” defined. ([NRS 637.070](#)) “Hour of continuing education” means 50 minutes of instruction devoted to a program of continuing education that is related to the practice of ophthalmic dispensing.

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

NAC 637.008 “Hour of training and experience” defined. ([NRS 637.070](#)) “Hour of training and experience” means 50 minutes of instruction devoted to a program of training and experience that is related to the practice of ophthalmic dispensing.

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

NAC 637.009 “Manage a business engaged in ophthalmic dispensing” interpreted. ([NRS 637.070](#), [637.090](#)) As used in this chapter and [NRS 637.090](#), the Board will interpret the term “manage a business engaged in ophthalmic dispensing” to mean having the responsibility for ophthalmic dispensing and 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.

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

NAC 637.010 Construction. ([NRS 637.070](#)) This chapter will be:

1. Liberally construed to secure just, speedy and economical determinations of all issues presented to the Board and to effectuate the purposes of [chapters 233B](#), [622A](#) and [637](#) of NRS and all other applicable provisions of law.
2. Construed as being in harmony with the provisions of [chapter 637](#) of NRS.

[Bd. of Dispensing Opt., Nos. 1.2 & 1.3, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.020 Severability. ([NRS 637.070](#)) If any of the provisions of this chapter or any application thereof to any person, thing or circumstance is held invalid, ~~it is intended that~~ such invalidity *will* not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

[Bd. of Dispensing Opt., No. 1.4, eff. 10-6-78]

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.

[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)

NAC 637.110 Meetings. ([NRS 637.050](#), [637.070](#))

1. A ~~majority vote of a~~ quorum of the Board is necessary to conduct business.
2. *Robert's Rules of Order* govern the general conduct of meetings of the Board when not otherwise provided by these rules or by law. Persons who willfully disrupt meetings may be removed.
3. Special meetings may be called by the President of the Board on his or her own motion or by written consent of two or more other Board members.

[Bd. of Dispensing Opt., Nos. 14.2-14.4, eff. 10-6-78]

NAC 637.120 Salary of members. ([NRS 637.045](#), [637.070](#)) 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.

(Added to NAC by Bd. of Dispensing Opt., eff. 3-7-90; A by R201-07, 4-17-2008; R106-14, 11-2-2016)

NAC 637.123 Inspections: Authority of Board; licensee to provide access; failure to cooperate; disciplinary action. ([NRS 637.070](#), [637.150](#))

1. The Board may inspect the place of dispensing of a licensee to ensure compliance with the provisions of this chapter and [chapter 637](#) of NRS. This authority extends to any member of the Board and its authorized employees and designees.
2. A licensee shall provide access to facilitate an inspection initiated pursuant to subsection 1.
3. Failure to cooperate with an inspection conducted pursuant to this section constitutes grounds for disciplinary action pursuant to [NRS 637.150](#).
4. If the Board, its members or authorized employees or designees note one or more violations of this chapter or [chapter 637](#) of NRS as a result of the inspection, the Board may initiate disciplinary action against one or more licensees in accordance with the provisions of this chapter and [chapters 233B](#), [622A](#) and [637](#) of NRS. (Added to NAC by Bd. of Dispensing Opt. by R073-12, eff. 6-3-2013)

NAC 637.125 Hearings and investigations; taking evidence. ([NRS 637.070](#)) In a manner consistent with the provisions of [chapter 622A](#) of NRS, the Board may hold hearings and conduct investigations relating to its duties under this chapter and [chapter 637](#) of NRS and take evidence on any matter under inquiry before the Board.

(Added to NAC by Bd. of Dispensing Opt. by R073-12, eff. 6-3-2013)

LICENSING

NAC 637.130 Definitions. ([NRS 637.070](#)) As used in [NAC 637.130](#) to [637.230](#), inclusive, unless the context otherwise requires:

1. "Dispensing optician" means a person who holds a license as a dispensing optician pursuant to [NRS 637.120](#); and
2. "Dispensing optician with a limited license" means a person who holds a limited license as a dispensing optician pursuant to [NRS 637.121](#).

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

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 holding an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States set forth in subparagraph (1) of paragraph (i) of subsection 1 of NRS 637.127 to mean a license issued by a state or territory with substantially equivalent licensing requirements to those of Nevada.*
2. ~~1.~~ The requirement of passing an examination administered 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 examination for a license as a dispensing optician set forth in [NAC 637.160](#).
3. ~~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)

NAC 637.140 License required to provide ophthalmic products directly to public; authorized scope of practice of laboratory personnel. ([NRS 637.070](#), [637.090](#))

1. Except as otherwise provided by specific statute, a person who does not hold a license as a dispensing optician, a limited license as a dispensing optician or a license as an apprentice dispensing optician shall not ~~provide~~ *dispense* any ophthalmic products directly to the public.
2. ~~Laboratory personnel, including, without limitation, laboratory technicians, shall be deemed not to be engaged in the practice of ophthalmic dispensing and are not required to be licensed pursuant to [NRS 637.090](#) if the laboratory personnel:~~
 - ~~(a) Except as otherwise provided in subsection 3, do not perform any of the acts described in subsection 1 or 2 of [NRS 637.022](#); and~~
 - ~~(b) Provide ophthalmic products only and directly to licensed dispensing opticians, licensed ophthalmologists and licensed optometrists.~~
3. *Laboratory personnel, including, without limitation, laboratory technicians, may, without obtaining a license pursuant to this chapter and [chapter 637](#) of NRS, a laboratory technician may perform any act to the fullest extent for which a license is not required pursuant to this chapter and [chapter 637](#) of NRS, including, without limitation, grinding lenses or fabricating eyewear, as described in paragraph (b) of subsection 2 of [NRS 637.022](#), provided the laboratory personnel provide ophthalmic products only and directly to licensed dispensing opticians, licensed ophthalmologists and licensed optometrists.*

Note: The above sections pertaining to laboratory personnel are wordy and redundant. Only one section is needed to clarify lab work does not constitute ophthalmic dispensing.
4. As used in this section, "ophthalmic products" includes, without limitation:
 - (a) Ophthalmic lenses for sunglasses, dive masks, sports goggles and occupational goggles;
 - (b) Ophthalmic prescription lenses;

- (c) Ophthalmic devices that have dioptric power and are attached to eyeglasses; and
- (d) All prescription and nonprescription contact lenses, including, without limitation, prepackaged contact lenses, individual contact lenses, cosmetic contact lenses and theatrical contact lenses.

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002; A by R108-04, 12-1-2004; R073-12, 6-3-2013)

637.144 1. An ophthalmic manager:

- (a) Must be a dispensing optician or a dispensing optician with a limited license;
- (b) Is responsible for supervising the ophthalmic dispensing and the day to day operations ~~consulting on optical fashions~~ at a business engaged in ophthalmic dispensing. Such day to day operations include, but are not limited to, opening and closing of the business to the public on a daily basis and determining daily work schedules for licensed and unlicensed personnel. "Ophthalmic manager" is not interpreted to mean a regional or district manager who is not on the premises of the business location on a daily basis.
- (c) Must, within 10 days after becoming the ophthalmic manager of the business, notify

the

Board, in writing, that he or she is the ophthalmic manager. *A licensed dispensing optician may not be the ophthalmic manager for more than one optical location.*

2. Each ophthalmic dispensing area of a business engaged in ophthalmic dispensing must have an ophthalmic manager as described in subsection 1. ~~and a business manager.~~

~~3. The ophthalmic manager and the business manager may be the same person. The ophthalmic manager must be in charge of the ophthalmic dispensing area and have ultimate~~

~~authority with respect to any matter relating to ophthalmic dispensing governed by the provisions~~

~~of this chapter or chapter 637 of NRS, and the decision of the ophthalmic manager with respect~~

~~to any such matter may not be superseded by the business manager. If the business manager is not the ophthalmic manager, the business manager may not make decisions concerning ophthalmic dispensing but may make other business decisions.~~

4. 3. An apprentice dispensing optician shall not:

- (a) Act as an ophthalmic manager ~~or a business manager~~; or
- (b) Under any circumstances have any authority to, or act in such a manner as to, supersede the authority or any decision of a dispensing optician or a dispensing optician with a limited

license *regarding the day to day operations at a business engaged in ophthalmic dispensing.*

NEW PROVISION: *4. Any time the ophthalmic manager described in subsection 1 is not on duty during hours the business is open, a substitute licensed dispensing optician or dispensing optician with a limited license must be on duty to act in the manager's stead. A business engaged in ophthalmic dispensing must not be open to the public any time a licensed ophthalmic dispenser is not on duty to oversee the ophthalmic dispensing operations of the business. The provisions in this section will not be interpreted to apply*

to businesses owned and operated by independent doctors of optometry or ophthalmology.

~~NAC 637.148—Completion and proof of required hours of training and experience. (NRS 637.070, 637.100)~~

~~—1.—Except as otherwise provided in subsection 3, an applicant for a license as a dispensing optician must furnish proof on a form provided by the Board and signed by the supervisor of the applicant that he or she has completed the following hours of training and experience relating to the fitting and filling of prescriptions for contact lenses required pursuant to subparagraph (2) of paragraph (g) of subsection 1 of NRS 637.100:~~

~~—(a) Thirty hours of contact lens fitting;~~

~~—(b) Twenty hours of follow-up care relating to contact lens fitting;~~

~~—(c) Twenty hours of instrumentation;~~

~~—(d) Fifteen hours of insertion and removal of contact lenses;~~

~~—(e) Ten hours of inspection of contact lenses; and~~

~~—(f) Five hours of filling prescriptions for contact lenses.~~

~~—2.—The completion of one or more courses of instruction in contact lens fitting or contact lens theory 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 training and experience described in subsection 1.~~

~~—3.—The Board may request and accept other documentation proving that an applicant has completed the hours of training and experience described in subsection 1.~~

~~—4.—As used in subsection 1, “supervisor” means an ophthalmologist, an optometrist or a dispensing optician.~~

~~—(Added to NAC by Bd. of Dispensing Opt. by R108-04, eff. 12-1-2004; A by R073-12, 6-3-2013)~~

NAC 637.150 ~~Application for examination~~ Qualifications for licensure; application; fees
Contents; training and experience required for certain applicants; fees. (NRS 637.070, 637.100, 637.110)

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 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](#).

Note: Original subsections (b) and (c) have been moved to the bottom of the list of application requirements and will become subsections (h) and (i)

NEW PROVISION (will be subsection (b)): *Proof of completion of board-approved education programs on the theory of ophthalmic dispensing and contact lens fitting, or a board-approved ophthalmic dispensing degree program, pursuant to NRS 637.100(e) and (f) and NAC Sections 637.148 and 637.285*

~~(d)(c)~~ 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~~. *NRS 637.100(e) and NAC 637.290. The board may grant prior experience credit to applicants for ophthalmic dispensing experience gained while working in another jurisdiction, while employed at a doctor’s office, or during a previous Nevada apprenticeship, to be applied towards the required hours of training and experience. Experience gained more than five years prior to the date the application is*

submitted will not be considered as fulfilling the requirements of NRS 637.100(e) or NAC 637.290. (this provision needs to be changed because the referenced statute does not exist – section should refer to NRS 637.100(1)(e))

~~(g)~~ (d) Proof, *on forms provided by the Board*, that the applicant has accurately and correctly neutralized the prescriptions of not less than 100 pairs of prescription spectacles *and completed 100 hours of contact lens training required pursuant to NRS 637.100, except that the Board may request and accept other documentation proving that an applicant has completed the hours of training and experience required.*

(e) Proof the applicant has passed any examinations approved by the Board as meeting the requirements of NAC 637.160.

—(e) (f) 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) (g) 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.

~~(h)~~ (h) 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. *The letters may be submitted electronically.*

—(e) (i) An affidavit attesting to the truthfulness of all statements made in the application.

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 1,000 hours of training and experience.~~

~~5.~~ 4. 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.

~~5. A fee of \$100 must accompany the application.~~

[Bd. of Dispensing Opt., No. 18, eff. 10-6-78; A 10-16-80] — (NAC A 12-17-87; R042-02, 8-29-2002; R108-04, 12-1-2004; R201-07, 4-17-2008; R073-12, 6-3-2013; R106-14, 11-2-2016)

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 and knowledge of the applicant.

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

- (a) Neutralization of ophthalmic products;
- (b) Ophthalmic product identification;
- (c) Ophthalmic instrumentation;
- (d) Optical theory;
- (e) Dispensing of ophthalmic products;

- (f) The provisions of this chapter and [chapter 637](#) of NRS; and
- (g) Anatomy, physiology and health of the eye.

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~~ *utilize a different* examination ~~described in this section to test~~ *that tests* the applicant's proficiency and knowledge in the following subjects:

- (a) Neutralization of ophthalmic products;
- (b) Instrumentation and fitting;
- (c) Basic contact lens;
- (d) The provisions of this chapter and [chapter 637](#) of NRS; and
- (e) Slide identification.

4. The Board may employ others ~~to assist in administering the examination to administer~~ *the examination.*

[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; R106-14, 11-2-2016)

NAC 637.190 Continuing education: Submission of statement affirming completion; request for verification by Board; exemption for first renewal of license; disciplinary action for failure to comply. ([NRS 637.070](#), [637.121](#), [637.135](#))

1. Except as otherwise provided in subsection 4, a statement affirming that a dispensing optician or a dispensing optician with a limited license has 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; and

(4) Whether the course is approved for contact lens credit by the board or a board-approved provider.

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 a dispensing optician with a limited license is not required to submit a statement described in subsection 1 or copies of 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](#).

[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; R106-14, 11-2-2016)

NAC 637.200 Continuing education: Subjects; approval of and credit for courses; minimum hours; credit for community service. ([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. 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. *A licensee must obtain Board approval of a course at least 90 days prior to the date the course is submitted for credit towards renewal of the license.*
5. A licensee 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.
6. A dispensing optician or dispensing optician with a limited license may satisfy the requirements for continuing education through any combination of live courses, self-study courses and courses offered over the Internet.
7. A dispensing optician with a limited license shall complete at least 12 hours of continuing education by 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.

8. 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.

9. A dispensing optician or dispensing optician with a limited license who completes additional hours of continuing education pursuant to subsection 7 or 8, 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](#).

10. 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.

(c) May not be applied towards the 7 hours of instruction related to the practice and theory of fitting contact lenses required in Section 8 unless the volunteer work is directly related to the fitting and dispensing of contact lenses.

[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; R106-14, 11-2-2016)

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 limited license as a dispensing optician who has paid the fee for the transfer of the license to an inactive list ~~as set forth in NAC 637.220:~~

1. Will remain on the inactive list for a period of 5 years, unless the holder of the license renews his or her inactive status pursuant to subsection 3 or reactivates the 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 or her inactive status for a second *consecutive* 5-year period. To renew his or her inactive status, the holder of the license must submit to the Board a written notice of extension. *The Board will not renew his or her inactive status beyond a second consecutive 5-year period but may inactivate a license for multiple nonconsecutive terms.*

4. May reactivate his or her license by:

(a) Submitting a letter to the Board requesting the reactivation of the license;

(b) Obtaining, within the 12 months immediately preceding the submission of the letter requesting reactivation of the license:

(1) If the holder is a dispensing optician, 14 hours of continuing education credits, as required pursuant to [NAC 637.200](#); or

(2) If the holder is a dispensing optician with a limited license, 12 hours of continuing education credits, as required pursuant to [NAC 637.200](#);

(c) Submitting an application for the renewal of a license; and

(d) Paying the fee for reactivation of the license ~~as set forth in NAC 637.220.~~
(Added to NAC by Bd. of Dispensing Opt., eff. 6-26-95; A by R042-02, 8-29-2002; R108-04, 12-1-2004; R073-12, 6-3-2013)

NAC 637.218 Reinstatement of delinquent license. ([NRS 637.070](#), [637.121](#), [637.140](#)) A dispensing optician who fails to renew his or her license or limited license before the license or limited license expires on January 31 of each year may have the license or limited license reinstated if the dispensing optician:

1. Applies for reinstatement ~~within 2 years of the expiration of the license or limited license before December 1 of the year the license became delinquent.~~
2. Provides proof of completion of any required continuing education;
3. Pays any renewal fee ~~set forth in NAC 637.220~~ that is not waived; and
4. Pays the delinquency fee ~~set forth in NAC 637.220.~~

The Board will not reinstate the delinquent license of a dispensing optician or dispensing optician with a limited license who does not apply for reinstatement before December 1 of each year.

(Added to NAC by Bd. of Dispensing Opt. by R113-06, eff. 6-28-2006)

NAC 637.220 ~~Fees for renewal, reinstatement, transfer and reactivation of license.~~ ([NRS 637.070](#), [637.121](#), [637.140](#))

- ~~1. Unless waived pursuant to subsection 2, the fee for the annual renewal of a:~~
 - ~~(a) License as a dispensing optician is \$300. \$350~~
 - ~~(b) Limited license as a dispensing optician is \$200. \$250~~
- ~~2. The Board will waive the annual renewal fee set forth in subsection 1 for:~~
 - ~~(a) The first renewal if the initial license was issued to the dispensing optician on or after November 1; or~~
 - ~~(b) The first renewal following reactivation of the license if the license or limited license was reactivated on or after November 1.~~
3. The annual delinquency fee for the reinstatement of a:
 - ~~(a) License as a dispensing optician is \$300. \$350~~
 - ~~(b) Limited license as a dispensing optician is \$200 \$250.~~
- ~~4. The fee for the transfer of a:~~
 - ~~(a) License as a dispensing optician to an inactive list is \$300. \$350~~
 - ~~(b) Limited license as a dispensing optician to an inactive list is \$200. \$250~~
- ~~5. The fee for the reactivation of a:~~
 - ~~(a) License as a dispensing optician is \$300. \$350~~
 - ~~(b) Limited license as a dispensing optician is \$200. \$250~~

[Bd. of Dispensing Opt., No. 23.1, eff. 11-30-79; A 10-16-80] — (NAC A 2-5-82; 2-18-87; 12-17-87; 6-26-95; R042-02, 8-29-2002; R108-04, 12-1-2004)

~~NAC 637.225 Issuance of duplicate license. (NRS 637.070, 637.120) The Board may, upon the receipt of a written application and the payment of a fee of \$25, issue a duplicate license to the applicant.~~

~~(Added to NAC by Bd. of Dispensing Opt., eff. 3-7-90; A by R073-12, 6-3-2013)~~

NAC 637.230 Licensees to file addresses and change of address with Board. ([NRS 637.070](#))

1. Each licensee in this State shall file with the Board the licensee's home or mailing address, *email address* and business address.
2. The Board must be notified of a change of a licensee's program address within 30 days of such change.
3. The Board must be notified of a change of a licensee's business address within 10 days of such change.

[Bd. of Dispensing Opt., No. 15, eff. 10-6-78] — (NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)

PROFESSIONAL PRACTICE

NAC 637.235 Grounds for disciplinary action: "Unethical or unprofessional conduct" interpreted. ([NRS 637.070](#), [637.150](#))

1. As used in paragraph (l) of subsection 1 of [NRS 637.150](#), the Board will interpret the phrase "unethical or unprofessional conduct" to include, without limitation:
 - (a) Performing acts beyond the scope of the practice of ophthalmic dispensing;
 - (b) Performing dispensing duties while under the influence of intoxicating liquor or a controlled substance;
 - (c) Presenting any false or deceptive information to the Board or the public;
 - (d) Engaging in the sexual harassment of any employee or consumer;
 - (e) Attempting to obtain or retain a consumer, either directly or indirectly, by way of intimidation, coercion or deception;
 - (f) Engaging in conduct that would lead to the harm or endangerment of the public;
 - (g) Engaging in conduct that would be a violation of [NAC 637.237](#);
 - (h) Violating an order issued by the Board; or
 - (i) Failing to cooperate with an investigation conducted by the Board, including, without limitation, failing to provide documents requested by a member of the Board, the staff of the Board or an investigator for the Board.
2. In addition to the conduct listed in subsection 1, the Board will further interpret the phrase "unethical or unprofessional conduct" to include a supervisor of record who allows an apprentice dispensing optician whom the supervisor of record directly supervises to perform any task:
 - (a) For which the apprentice dispensing optician is not trained;
 - (b) Which is outside the scope of practice of an apprentice dispensing optician; or
 - (c) Without the direct supervision of the supervisor of record.
3. 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) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an environment which is intimidating, hostile or offensive to an employee or consumer.

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

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002; A by R108-04, 12-1-2004; R073-12, 6-3-2013)

NAC 637.237 Use of supervisory authority over person who manages business engaged in ophthalmic dispensing. ([NRS 637.070](#), [637.090](#)) A person who has supervisory authority over a person who manages a business engaged in ophthalmic dispensing and intentionally influences or attempts to influence the decisions of that person relating to ophthalmic dispensing shall be deemed to have violated the provisions of [NRS 637.090](#).

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

NAC 637.239 Adoption by reference of certain standards for prescription ophthalmic lenses. ([NRS 637.070](#), [637.073](#))

1. The Board hereby adopts by reference for use in this State the recommendations of the American National Standards Institute for prescription ophthalmic lenses set forth in ANSI Z80.1-2005, as those standards existed on April 17, 2008.

2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 90 days after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

3. A copy of the publication adopted by reference in subsection 1 may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at (212) 642-4900 or at the Internet address <http://www.webstore.ansi.org>, at a price of \$63.20 for members and \$79.00 for nonmembers.

(Added to NAC by Bd. of Dispensing Opt. by R201-07, eff. 4-17-2008)

NAC 637.241 Equipment for dispensing opticians; general requirements. ([NRS 637.070](#))

1. A dispensing optician:

(a) Shall have the following optical equipment at the place of dispensing:

- (1) A lens clock;
- (2) A lensometer; and
- (3) A ~~pupilometer~~ *manual or digital device for taking optical measurements.*

(b) A dispensing optician shall not fit contact lenses unless the dispensing optician has access to equipment for fitting contact lenses on the premises, including, without limitation:

- 1. A slit lamp;*
- 2. A radioscope;*
- 3. A digital or manual keratometer or auto refractor*
- 4. A contact lens loop;*
- 5. A thickness and diameter gauge;*
- 6. A fluorescence scope; and*
- 7. Trial lenses.*

~~(b)-(c)~~ A dispensing optician ~~may~~ **May** have such additional equipment as he or she determines necessary.

2. All equipment must be in good working order.

3. *Equipment must be sanitized between each use with sanitizing wipes or spray. Every licensee and apprentice in an optical establishment must thoroughly wash his or her hands with liquid soap before and after serving each client and after each use of the restroom. Hand sanitizer must be made available at each location for use by the client. The use of hand sanitizer or gloves is not an acceptable substitute for hand washing for a licensee.*

~~NAC 637.245—Equipment for fitting contact lenses. (NRS 637.070)—A dispensing optician shall not fit contact lenses unless the dispensing optician has access to equipment for fitting contact lenses on the premises, including, without limitation:~~

- ~~1.—A slit lamp;~~
 - ~~—2.—A radioscope;~~
 - ~~—3.—A keratometer (different types: digital and manual); topographer; auto-refractor;~~
 - ~~—4.—A contact lens loop;~~
 - ~~—5.—A thickness and diameter gauge;~~
 - ~~—6.—A fluorescein scope; and~~
 - ~~—7.—Trial lenses.~~
- ~~—(Added to NAC by Bd. of Dispensing Opt., eff. 10-26-95; A 11-14-97)~~

NAC 637.250 Advertising which quotes prices of ophthalmic goods and services. ([NRS 637.070](#), [637.150](#))

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 pursuant to [NRS 637.150](#).

[Bd. of Dispensing Opt., No. 22, eff. 10-6-78] — (NAC A by R108-04, 12-1-2004)

APPRENTICE DISPENSING OPTICIANS

NAC 637.260 Qualifications for licensure; application; ~~fee~~. ([NRS 637.070](#), [637.100](#), [637.110](#))

1. To qualify for licensure as an apprentice dispensing optician, an applicant must furnish proof that the applicant:

- (a) Is at least 18 years of age.
- (b) Is of good moral character.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.
- (d) Is a graduate of an accredited high school or its equivalent.

2. Each person desiring to be employed as an apprentice dispensing optician must file an application with the Board stating:

(a) The date of the application for licensure.

The name and contact information of the applicant.

(b) The name and address of the optical establishment where the apprenticeship will be conducted.

(c) The name and license number of the supervisory ophthalmologist, optometrist or dispensing optician.

~~(d) The name and license number of the ophthalmic manager of the optical establishment where the apprenticeship will be conducted and, if applicable, the name of the business manager.~~

(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.

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

3. Each application must be ~~certified under oath by the applicant and the supervising ophthalmologist, optometrist or dispensing optician~~ *accompanied by a sworn statement by the applicant's supervising ophthalmologist, optometrist, or dispensing optician, on a form provided by the Board, to train and supervise the apprentice in accordance with all provisions of NRS Chapter 637 and NAC Chapter 637.*

~~4. A fee of \$100 must accompany each application. The fee will not be refunded.~~

[Bd. of Dispensing Opt., Nos. 16.1 & 16.2, eff. 10-6-78; No. 16.4, eff. 11-30-79] — (NAC A 12-17-87; R108-04, 12-1-2004; R043-10, 6-30-2010; R073-12, 6-3-2013)

NAC 637.263 Reinstatement of delinquent license. ([NRS 637.070](#), [637.100](#), [637.123](#))

1. Except as otherwise provided in subsection 2 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) Pays any renewal fee ~~set forth in NAC 637.265~~ that is not waived; and

(b) Pays the delinquency fee ~~set forth in NAC 637.265.~~

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.

3. An apprentice dispensing optician whose license is not reinstated pursuant to subsection 2 may reapply for licensure as an apprentice dispensing optician pursuant to NAC 637.260 not sooner than 1 year after the expiration date of his or her license.

(Added to NAC by Bd. of Dispensing Opt. by R113-06, eff. 6-28-2006; A by R073-12, 6-3-2013; R106-14, 11-2-2016)

~~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 \$100.~~

~~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; A by R106-14, 11-2-2016)~~

NAC 637.280 Supervision of apprentice; notice of permanent change of supervision. *Change of employer; notice of change.* ([NRS 637.070](#), [637.100](#), [637.125](#))

1. 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 of record of an apprentice dispensing optician must be on the premises of the optical establishment at all times to directly supervise the apprentice dispensing optician. In all instances of 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.

3. When a permanent change of supervision is made, the 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.

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

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](#).

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

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.

10. When a change of employment is made, the apprentice dispensing optician shall notify the Board of the change within 10 days. A change of employment of which the Board must be notified includes the apprentice continuing to work for the same employer but at a different physical location. A permanent change of employment location is defined as one lasting 7 days or longer. An amended application on a form prescribed by the Board must be submitted by an

~~apprentice dispensing optician, The Board will not approve more than 10 days of experience gained by an apprentice dispensing optician with a new employer before the amended application is received by the Board. (previously section 637.300 below)~~

[Bd. of Dispensing Opt., No. 16.5, eff. 11-30-79] — (NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)

[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; R106-14, 11-2-2016)

SEE NEW COMBINED SECTION BELOW: NEXT TWO SECTIONS TO BE REMOVED.

SECTION TO BE COMBINED (SEE BELOW): NAC 637.285 Evidence of enrollment in board-approved ophthalmic educational program ~~on theory of ophthalmic dispensing; time limit for completion of apprenticeship program; request for extension;~~ effect of failure to submit evidence ~~or complete program.~~ (these removed provisions would be addressed in the second new section on limiting renewals – see below) (NRS 637.070, 637.100).

1. An apprentice dispensing optician shall, within 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:
 - (a) Is enrolled in an ~~educational~~ ophthalmic education program ~~on the theory of ophthalmic dispensing~~ approved by the Board; or
 - (b) Has received adequate prior ophthalmic education ~~experience~~ in lieu of the completion of an educational program described in paragraph (a).
2. The Board will inactivate the license of an apprentice dispensing optician who fails to enroll in an educational program or fails to submit evidence of ~~experience~~ adequate prior education to the Board and within the time required by subsection 1. The Board will notify the apprentice dispensing optician of such action. The decision to inactivate the license may be appealed by the apprentice dispensing optician by submitting a written request to the Board within 30 days after the license becomes inactive.
- ~~3. Except as otherwise provided in subsection 4, an apprentice dispensing optician who is required to complete the educational program required by paragraph (a) of subsection 1 the program not more than 40 months after the date of his or her initial licensure as an apprentice dispensing optician.~~
- ~~4. An apprentice dispensing optician may request an extension of the 40-month time limit imposed by subsection [2.]3. 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 3.~~

~~5. Upon receipt of a request for an extension pursuant to subsection [3,]4, 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.~~

~~6. 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.~~

~~7. An apprentice dispensing optician who is not allowed to renew his or her license pursuant to subsection 6 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.~~

(Added to NAC by Bd. of Dispensing Opt., eff. 3-7-90; A by R042-02, 8-29-2002; R108-04, 12-1-2004; R106-14, 11-2-2016)

TO BE COMBINED (SEE BELOW) NAC 637.290 Training and experience; areas of instruction. (NRS 637.070, 637.100)

1. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 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 subparagraph (1) of paragraph (f) of subsection 1 of NRS 637.100. Such training must include at least 2,000 hours of training and 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.
2. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 and who has successfully completed a course of study in a school which offers a degree of associate of science in ophthalmic dispensing must receive at least 1,000 hours of training and 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. The completion of one or more courses taught in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing may count toward the completion of the hours of training and experience required pursuant to subsections 1 and 2 if the courses:
(a) Provide the apprentice dispensing optician with instruction equivalent to training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory or the performance of other duties related to ophthalmic dispensing; and
(b) Are approved by the Board.~~
- ~~4. Upon approval by the Board, if an apprentice dispensing optician holds a limited license as a dispensing optician in good standing, the hours of training and experience that he or~~

~~she received as a dispensing optician with a limited license may count towards the hours of training and experience required pursuant to subsections 1 and 2.~~

- ~~5. 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, eyeglass lens and contact lens identification, fitting and adjustment of eyeglasses, 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.~~

[Bd. of Dispensing Opt., No. 17.2, eff. 10-6-78; A and renumbered as No. 17.3, 11-30-79] —
(NAC A 10-26-95; R042-02, 8-29-2002; R108-04, 12-1-2004)

NEW COMBINED SECTION NAC 637.285:

NAC 637.285 Evidence of enrollment in board-approved ophthalmic educational program; effect of failure to submit evidence; Training and experience; ~~areas of instruction.~~ ([NRS 637.070](#), [637.100](#))

1. An apprentice dispensing optician shall, within 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:
 - (a) Is enrolled in an ~~educational~~ ophthalmic education program ~~on the theory of ophthalmic dispensing~~ approved by the Board *pursuant to NRS 637.100(e)*; or
 - (b) Has received adequate prior ophthalmic ~~experience in lieu of the completion of an educational program~~ *education equivalent to the program described in paragraph (a); such prior education must be approved by the board.*
2. The Board will inactivate the license of an apprentice dispensing optician who fails to enroll in an educational program or fails to submit evidence of ~~experience~~ *adequate prior education* to the Board and within the time required by subsection 1. The Board will notify the apprentice dispensing optician of such action. The decision to inactivate the license may be appealed by the apprentice dispensing optician by submitting a written request to the Board within 30 days after the license becomes inactive.
3. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to [NRS 637.120](#) *and is enrolled in a non-degree ophthalmic education program approved by the Board*, 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 subparagraph (1) of paragraph (f) of subsection 1 of [NRS 637.100](#). Such training must include at least 2,000 hours of training and 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.
4. An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to [NRS 637.120](#) and who has successfully completed a course of study in a school which offers a degree of associate of science in ophthalmic dispensing must

receive at least 1,000 hours of training and 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.

NEW PROVISION *Limitations on renewal of apprentice license (NRS 637.123):*

1. *Except as provided in subsection 4, if the apprentice dispensing optician received his or her initial license on or after November 1, the license may be renewed not more than four times. The apprentice optician must complete all education and training requirements in NRS 637.100 and NAC 637.285 by the end of the fourth renewal cycle.*
2. *Except as provided in subsection 4, if the apprentice dispensing optician received his or her initial license before November 1, the license may be renewed not more than 3 times. The apprentice optician must complete all education and training requirements in NRS 637.100 and NAC 637.285 by the end of the third renewal cycle.*
3. *An apprentice dispensing optician may request one additional renewal of the license. Such a request must be made on a form provided by the Board and submitted not later than 90 days before the final expiration of the license according to the renewal limits in subsections 1 and 2.*
4. *Upon receipt of a request for an additional renewal the Board will grant the request if the Board finds that:*
 - (a) *The apprentice optician was unable to complete his or her education and training requirements due to circumstances that are emergent or were unforeseeable or otherwise outside the control of the apprentice dispensing optician; and*
 - (b) *If granted, the apprentice optician could reasonably complete any remaining education and training requirements within the additional renewal cycle.*
5. *An apprentice dispensing optician who fails to complete his or her apprenticeship requirements in the time required by this section may not renew his or her license as an apprentice dispensing optician. An apprentice dispensing optician who is not allowed to renew his or her license pursuant to sections 1 through 4 may reapply for 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.*

NOTE: THIS SECTION EDITED AND COMBINED WITH SECTION 637.280 ABOVE

~~NAC 637.300—Change of employer. (NRS 637.070, 637.100)—An amended application on a form prescribed by the Board must be submitted by an apprentice dispensing optician within 10 days after his or her employment changes. The Board will not approve more than 10 days of experience gained by an apprentice dispensing optician with a new employer before the amended application is received by the Board.
—[Bd. of Dispensing Opt., No. 16.5, eff. 11-30-79]—(NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)~~

NEW PROVISION *Fees*

The Board will charge and collect the following fees:

1. *For an application for licensure: \$100; the applicant is not entitled to a refund of the fee if the application is denied.*

2. *For the annual renewal of an Apprentice License: \$100*
3. *For the annual renewal of an Ophthalmic Dispenser License: \$350*
 - a. *The Board will waive the annual renewal fee set forth in subsection 3 for:*
 - i. *The first renewal if the initial license was issued to the dispensing optician on or after November 1; or*
 - ii. *The first renewal following reactivation of the license if the license was reactivated on or after November 1.*
4. *For the annual renewal of a Limited Ophthalmic Dispenser License: \$250*
 - a. *The Board will waive the annual renewal fee set forth in subsection 4 for:*
 - i. *The first renewal following reactivation of the limited license if the license was reactivated on or after November 1*
5. *For the reinstatement of a delinquent Apprentice License: \$100 plus the renewal fee*
6. *For the reinstatement of a delinquent Ophthalmic Dispenser License: \$300 plus the renewal fee*
7. *For the reinstatement of a delinquent Limited Ophthalmic Dispenser License: \$200 plus the renewal fee*
8. *For the inactivation of an Ophthalmic Dispenser License for a period of 5 years or the renewal of an inactive status for 5 years: \$350*
9. *For the inactivation of a Limited Ophthalmic Dispenser License for a period of 5 years or the renewal of an inactive status for 5 years: \$250*
10. *For the reactivation of an Ophthalmic Dispenser License: \$350*
11. *For the reactivation of a Limited Ophthalmic Dispenser License: \$250*

PRACTICE BEFORE THE BOARD OF DISPENSING OPTICIANS

General Provisions

NAC 637.310 Scope. ([NRS 637.070](#)) [NAC 637.310](#) to [637.700](#), inclusive, govern practice and procedure before the Board.

[Bd. of Dispensing Opt., No. 1.1, eff. 10-6-78] — (NAC A by R042-02, 8-29-2002)

NAC 637.320 Communications. ([NRS 637.070](#)) Any formal written communication, payment or document must be addressed to the Board at its office and is deemed filed or made on the date of the postmark on the envelope in which it was mailed in accordance with the provisions of [NRS 238.100](#).

[Bd. of Dispensing Opt., No. 2.1, eff. 10-6-78; A 11-30-79]

NAC 637.333 Authority to file complaint. ([NRS 637.070](#)) Any member of the Board or public may file a written complaint with the Board if he or she believes:

1. A licensee has violated a provision of this chapter or [chapter 637](#) of NRS;
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. A person employs a dispensing optician, apprentice dispensing optician or other person in violation of [NRS 637.125](#).

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002; A by R108-04, 12-1-2004)

NAC 637.335 Form and contents of complaint. ([NRS 637.070](#))

1. A complaint filed pursuant to [NAC 637.333](#) must:
 - (a) Be on a form prescribed by the Board;
 - (b) Be signed and verified by the person filing the complaint, under penalty of perjury; and
 - (c) Include the name, address and telephone number of the person filing the complaint.
2. The form prescribed by the Board must state that:
 - (a) The person making the complaint may be required to testify at a judicial or administrative proceeding; and
 - (b) The Board may send a notice and copy of the complaint to the licensee or the person who is the subject of the complaint.

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002; A by R108-04, 12-1-2004)

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](#):
 - (a) Shall review each complaint to determine whether the information, alone or taken together with other evidence, documentary or otherwise, is sufficient to require an investigation; and
 - (b) May cause any complaint to be investigated.
2. If a complaint is filed pursuant to [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, whether a charging document should be filed pursuant to [NAC 637.440](#) or, if the complaint is filed against:
 - (1) An unlicensed person pursuant to subsection 2 of [NAC 637.333](#), whether the Board should issue a cease and desist order pursuant to subsection 2 of [NRS 637.181](#); or
 - (2) A person pursuant to subsection 3 of [NAC 637.333](#), whether the Board should impose a fine pursuant to subsection 1 of [NRS 637.183](#); and
 - (b) The Board may send written notice and a copy of the complaint to the licensee or person who is the subject of the complaint.
3. If a licensee or person who is the subject of a complaint does not respond within 20 days after receipt of a written notice of a complaint, the licensee or person is deemed to have admitted the allegations in the complaint.

(Added to NAC by Bd. of Dispensing Opt. by R042-02, eff. 8-29-2002; A by R108-04, 12-1-2004; R073-12, 6-3-2013)

Parties

NAC 637.340 Classification of parties. ([NRS 637.070](#))

1. A party in a proceeding before the Board must be called applicant, petitioner, complainant or respondent, according to the nature of the proceeding and the relationship of the party thereto.
2. An "applicant" is a person who is applying or petitioning for any privilege, license or authority from the Board.

3. A “petitioner” is a person, other than a complainant, who is petitioning the Board for affirmative relief.

4. A “complainant” is a person who is complaining to the Board of any act or of any person.

5. A “respondent” is a person against whom any complaint is filed or investigation is initiated.

[Bd. of Dispensing Opt., Nos. 3.1-3.7, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.350 Staff of Board may be party to proceeding. ([NRS 637.070](#)) The Board’s staff may appear at any hearing and has the right to participate as a party to the proceeding.

[Bd. of Dispensing Opt., No. 3.8, eff. 10-6-78]

NAC 637.390 Service of process on attorney. ([NRS 637.070](#)) Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders must be served upon the attorney and such service is effective for all purposes upon the party represented by the attorney.

[Bd. of Dispensing Opt., No. 4.4, eff. 10-6-78]

NAC 637.410 Conduct required; removal from proceeding. ([NRS 637.070](#))

1. A person appearing in a proceeding before the Board shall be ethical and courteous.

2. The Board may remove a person from a proceeding for a violation of this section.

[Bd. of Dispensing Opt., No. 4.6, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

Pleadings, Motions, Briefs and Other Papers

NAC 637.420 Captions, amendments and construction of pleadings. ([NRS 637.070](#))

1. Pleadings before the Board must be called applications, petitions, charging documents, motions, briefs or answers.

2. The Board may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected at any time.

3. All pleadings will be liberally construed with a view to administering justice between the parties, and the Board or presiding officer will, at every stage of proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

[Bd. of Dispensing Opt., Nos. 5.1-5.3, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.430 Petitions. ([NRS 637.070](#)) A “petition” is a pleading other than an application, charging document or answer, praying for affirmative relief, including requests for declaratory orders, advisory opinions, and requests for the adoption, amendment or repeal of any regulation. A petition must set forth the full name and post office address of the petitioner and be signed by the petitioner.

[Bd. of Dispensing Opt., No. 5.4, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.440 Charging documents. ([NRS 637.070](#)) Upon its own initiative, or following the receipt and review of a verified complaint filed pursuant to [NAC 637.333](#), the Board may cause a charging document to be filed against:

1. An applicant or holder of a license alleging one or more grounds for disciplinary action pursuant to [NRS 637.150](#).

2. An unlicensed person alleging one or more grounds for disciplinary action pursuant to [NRS 637.183](#).

3. A person who employs a dispensing optician, apprentice dispensing optician or other person in violation of [NRS 637.125](#) alleging one or more grounds for disciplinary action pursuant to [NRS 637.181](#).

[Bd. of Dispensing Opt., No. 5.5, eff. 10-6-78] — (NAC A by R042-02, 8-29-2002; R108-04, 12-1-2004; R073-12, 6-3-2013)

NAC 637.450 Motions. ([NRS 637.070](#)) A decision on a motion filed pursuant to [NRS 622A.360](#) or [622A.390](#) will be rendered without oral argument unless oral argument is requested by the Board. If oral argument is requested, the Board will set a date and time for a hearing on the motion. The Board may authorize the President of the Board or his or her designee to rule on the motion without a hearing.

[Bd. of Dispensing Opt., No. 6, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.460 Filing. ([NRS 637.070](#))

1. At least one copy of all pleadings, motions and briefs must be filed with the Board by mailing or delivering the copy or copies to the office of the Board.

2. A copy of all pleadings, motions and briefs filed with the Board must also be mailed or delivered to the Board’s counsel of record in the proceeding at the same time the pleadings, motions and briefs are filed with the Board.

[Bd. of Dispensing Opt., No. 7.1, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.470 Service of process. ([NRS 637.070](#))

1. Except as otherwise provided in subsection 2, all notices, documents, advisory opinions and declaratory orders required to be served by the Board will be served by mail to the last known home address provided to the Board by the addressee, and service thereof will be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail. Parties will be notified either personally or by certified mail of any adverse decision or order.

2. Notice of a disciplinary hearing will be served either personally or by certified mail upon the dispensing optician or apprentice dispensing optician who is the subject of the disciplinary hearing. If an apprentice dispensing optician is the subject of a disciplinary hearing, the Board will also notify the employer of the apprentice dispensing optician by mailing a copy of the charging document and a copy of the notice of the disciplinary hearing by certified mail to the last known address of the employer to the attention of the ophthalmic manager at the same time notice is given to the subject of the disciplinary hearing.

3. All documents required to be served by a party must be served by mail to the last known address provided to the Board by the addressee, and service thereof shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail.

[Bd. of Dispensing Opt., No. 7.2, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.480 Proof of service. ([NRS 637.070](#)) There will be included with all charging documents and orders required to be served by the Board an acknowledgment of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) (by mailing a copy thereof, properly addressed, with postage prepaid to).

Dated at, this(day) of(month) of(year)

.....
Signature

[Bd. of Dispensing Opt., No. 7.3, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)
Proceedings

NAC 637.490 Petition for hearing. ([NRS 637.070](#)) A person may petition to appear before the Board and be heard on a matter within the Board's jurisdiction, as follows:

1. The petition must be submitted to the Board on a form prescribed by the Board and must contain a brief summary of the subject matter and a statement of the petitioner's reasons for wishing to bring the matter before the Board.

2. The petition must be received by the Board at least 45 days before the meeting at which the petitioner wishes to be heard but the Board may waive this time requirement.

3. Upon receipt of the petition, any member of the Board may make an initial evaluation to determine whether the subject of the petition is a proper item for the agenda of a formal hearing and, if so, whether a special meeting of the Board must be called for the hearing.

4. If a member of the Board evaluates the petition as presenting a cause for a disciplinary action involving a revocation, suspension or probation, the petitioner must file a formal complaint and the Board will notify the petitioner of the requirements for making the complaint.

5. If the evaluation of the petition is that it does not present a cause for a disciplinary action involving a revocation, suspension or probation and if the subject matter of the petition is within the jurisdiction of the Board, the petition will be placed on the agenda as an item of new business for discussion.

[Bd. of Dispensing Opt., No. 14.5, eff. 10-16-80] — (NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)

NAC 637.550 Testimony must be under oath. ([NRS 637.070](#)) All testimony to be considered by the Board in any proceeding, except matters noticed officially or entered by stipulation, must be sworn testimony. Each witness must swear or affirm that the testimony he or she is about to give in the proceeding before the Board will be the truth, the whole truth, and nothing but the truth.

[Bd. of Dispensing Opt., No. 8.5, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.590 Stipulations. ([NRS 637.070](#)) With the approval of the Board, the parties may stipulate as to any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation will be binding upon all parties to the stipulation, and it may be treated as evidence in the proceeding. The Board may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.

[Bd. of Dispensing Opt., No. 8.8, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)

NAC 637.600 Official notice of Board. ([NRS 637.070](#)) In addition to the facts mentioned in subsection 5 of [NRS 233B.123](#), the Board may take official notice of regulations, official reports, decisions, orders, standards or records of the Board, and any regulatory agency of the State of Nevada or any court of record.

[Bd. of Dispensing Opt., No. 8.12, eff. 10-16-80]

NAC 637.620 Decision by Board. ([NRS 637.070](#))

1. A proceeding stands submitted for decision by the Board after the taking of evidence, the filing of briefs or motions, or the presentation of such oral argument permitted by the Board.

2. Orders or decisions will be rendered within 90 days of the completion of the proceeding or of the Board meeting at which the matter is last considered, unless a shorter time is required by statute.

3. Decisions and orders of the Board will be served by sending a copy thereof by regular and certified mail to the parties of record or their representatives or by personal service. Additional copies of orders may be obtained upon written request.

[Bd. of Dispensing Opt., Nos. 9.1-9.3, eff. 10-6-78] — (NAC A by R073-12, 6-3-2013)
Declaratory Orders and Advisory Opinions

NAC 637.650 Petitions. ([NRS 637.070](#))

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of a statutory provision or a regulation or decision of the Board.

2. All petitions for declaratory orders and advisory opinions must be in writing on a form prescribed by the Board.

[Bd. of Dispensing Opt., No. 11.1, eff. 10-6-78; A 10-16-80] — (NAC A by R073-12, 6-3-2013)

NAC 637.660 Procedure for consideration of petition. ([NRS 637.070](#))

1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.

2. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.

3. At the meeting described in subsection 1 or 2, the Board will consider any information relevant to the petition, including, without limitation:

- (a) Taking testimony on the petition; and
- (b) Receiving evidence.

4. The Board will then grant or deny the petition.

5. If the Board denies the petition, no further action will be taken.

[Bd. of Dispensing Opt., No. 11.2, eff. 10-6-78; A 10-16-80] — (NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)

NAC 637.670 Draft of opinion or order by member of Board; approval by Board. ([NRS 637.070](#)) If the Board grants a petition pursuant to subsection 4 of [NAC 637.660](#), the Board will issue a declaratory order or advisory opinion, as applicable. The President of the Board or other presiding officer shall assign one member of the Board to write the order or opinion. The member has 30 days within which to submit to the Board a draft, after reviewing comments by all other members on the issue, researching the issue and seeking the assistance of the Attorney General, if necessary. Upon completion of the draft, the assigned member shall submit it to the Board for approval at the next regularly scheduled meeting of the Board. To be issued as a final declaratory order or advisory opinion of the Board, the draft of the order or opinion must be approved by a majority of the members of the Board who are present at the meeting.

[Bd. of Dispensing Opt., No. 11.3, eff. 10-16-80] — (NAC A by R073-12, 6-3-2013)

NAC 637.680 Notice. ([NRS 637.070](#)) After the Board renders its order or opinion, the Board will serve notice of it to the petitioner pursuant to [NAC 637.470](#) and [637.480](#).

[Bd. of Dispensing Opt., No. 11.4, eff. 10-16-80] — (NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)

NAC 637.690 Compliance with opinion or order. ([NRS 637.070](#)) A petitioner must comply with the provisions of a declaratory order or advisory opinion rendered by the Board.

[Bd. of Dispensing Opt., No. 11.5, eff. 10-16-80] — (NAC A by R073-12, 6-3-2013)
Petitions for Adoption, Filing, Amendment or Repeal of Regulations

NAC 637.700 Format; contents; action by Board. ([NRS 637.070](#))

1. Pursuant to [NRS 233B.100](#), any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.

2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and include:

- (a) The name and address of the petitioner;
 - (b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;
 - (c) The proposed language of the regulation to be adopted, filed or amended or the existing language of the regulation to be repealed, as applicable;
 - (d) The statutory authority for the adoption, filing, amendment or repeal of the regulation;
- and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.

4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of the regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.

[Bd. of Dispensing Opt., No. 12.2, eff. 10-6-78; A 10-16-80] — (NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)