

STATE OF NEVADA



Board of Dispensing Opticians

NOTICE OF INTENT TO ACT UPON A REGULATION *AND* HEARING AGENDA:

LCB File No. R101-22

**December 8, 2022 at 5:15 p.m.
Via Teleconference**

NOTICE IS HEREBY GIVEN that the Nevada State Board of Dispensing Opticians will hold a public hearing at 5:15 p.m. on Thursday, December 8, 2022. The purpose of the hearing is to receive comments from all interested persons regarding the potential adoption of Proposed Regulation R101-22, which will amend Chapter 637 of the Nevada Administrative Code. The hearing will be held via teleconference, and all may attend by dialing: **(617) 829-6755**.

Interested persons may present their views regarding the proposed regulation either in writing, or during the teleconferenced hearing. Persons wishing to submit written comments may do so by email at: info@nvopticians.org or via mail at: Nevada Board of Dispensing Opticians; 4790 Caughlin Parkway, #241; Reno, NV 89519. Written submissions must be received no later than December 6, 2022. If no interested persons attend the hearing in-person (by phone) to make presentations, the Board may proceed immediately to act upon any written submissions.

INFORMATIONAL STATEMENTS PURSUANT TO NRS 233B.0603

- (1) A statement of the need for and purpose of the proposed regulation.** NRS 637.073(1) grants the Board of Dispensing Opticians the authority to adopt such rules and regulations as it deems necessary to carry out the provisions of NRS Chapter 637. The purpose of the proposed regulation is to revise and codify procedures and standards for the training and practice of ophthalmic dispensing in the State, as well as streamline provisions related to the functions of the Board.
- (2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.** Not applicable: the proposed regulation would be a permanent regulation.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063. The text of the proposed regulation is attached to this notice, which will be posted at the locations identified below.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public.

- a. Adverse and beneficial economic effects on the regulated business:** Certain fees for the renewal, inactivation, or reactivation of a license will be increased by \$50. The fees are assessed to the individual opticians and will only cause an adverse effect on businesses that voluntarily reimburse their employees for their license renewal fees. In most cases, opticians will only pay a fee to the Board once per year, so the adverse economic effect to licensees and/or businesses will be minimal. The Board does not anticipate any beneficial economic effects to businesses.
- b. Immediate and long-term economic effects on the regulated business:** The effect on the licensees and businesses would be immediate, as the fee increases would take effect upon adoption of the regulation, and long-term because the increased fees would be collected annually.
- c. Adverse and beneficial economic effects on the public:** The Board does not anticipate any adverse or beneficial economic effects on the public.
- d. Immediate and long-term economic effects on the public:** The Board does not anticipate any immediate or long-term economic effects on the public.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608. The Board determined the proposed regulations would not impact small businesses through discussions at its regular meetings throughout 2021 and 2022. The Board members are employed by a range of employer types, from large corporations, to small, independent offices. None of the Board members expressed concern that the proposed regulation would create a financial burden on their employers or colleagues. The Board did not receive any testimony from the public during these meetings indicating the proposed regulations would cause a negative impact on small businesses.

(6) The estimated cost to the agency for enforcement of the proposed regulation. Enforcement of the proposed regulation will not create any additional costs to the Board.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. There are no regulations of other federal, state, or local governmental agencies which the proposed regulation overlaps or duplicates.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law. The proposed regulation is not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation. The time and place of the hearing, and the manner in which interested persons may present their views, are included at the top of this notice.

(11) Whether the proposed regulation establishes a new fee or increases an existing fee. Certain fees for the renewal, inactivation, or reactivation of a license will increase by \$50.

This notice will be posted at the following locations:

Board of Dispensing Opticians website: <https://nvbdo.nv.gov/>

Nevada Public Notice website: <https://notice.nv.gov/>

Nevada Legislature Administrative Regulation Notices: <https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice and the proposed regulation will also be available for inspection at the following locations: **NVBDO Office:** 4747 Caughlin Parkway, Unit 8, Reno, Nevada 89519; **Nevada State Library and Archives:** 100 Stewart St.; Carson City, NV 89701. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary. Please direct requests for mailed copies to:

Nevada Board of Dispensing Opticians
4790 Caughlin Pkwy. #241
Reno, NV 89519
Phone: (775) 433-1700
Email: info@nvopticians.org

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations at the meeting. Please contact the Board at 775-433-1700 or info@nvopticians.org at least three (3) business days prior to the meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

STATE OF NEVADA
Board of Dispensing Opticians

HEARING AGENDA

December 8, 2022
5:15 p.m.

1. Call to Order.
2. General Public Comment. *In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments may be limited to three (3) minutes. No action will be taken on any items raised in the public comment period.*
3. FOR POSSIBLE ACTION: Discussion and Adoption of Proposed Permanent Regulation R101-22 to amend Nevada Administrative Code Chapter 637.
4. General Public Comment. *In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments may be limited to three (3) minutes. No action will be taken on any items raised in the public comment period.*
5. Adjourn.

Please note: Items on the agenda may be taken out of order, combined for consideration, or removed from the agenda at any time.

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

LCB File No. R101-22

October 18, 2022

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

AUTHORITY: §§ 1-8, 18-20 and 25, NRS 637.070; § 9, NRS 637.070 and 637.127; §§ 10 and 11, NRS 637.070 and 637.090; §§ 12, 13 and 24, NRS 637.070 and 637.100; §§ 14 and 15, NRS 637.070, 637.121 and 637.135; § 16, NRS 637.070, 637.121 and 637.140; § 17, NRS 637.070, 637.100, 637.110, 637.121, 637.123, 637.140 and 637.170; § 21, NRS 637.070, 637.100 and 637.110; § 22, NRS 637.070, 637.100 and 637.123; § 23, NRS 637.070, 637.100 and 637.125.

A REGULATION relating to dispensing opticians; interpreting certain terms relating to dispensing opticians; revising provisions relating to the renewal of a license of an apprentice dispensing optician; making various changes relating to the operation of the Board of Dispensing Opticians; revising provisions relating to the authorized scope of practice of certain laboratory personnel; revising the responsibilities of an ophthalmic manager; clarifying and reorganizing certain provisions relating to an application and examination for a license and limited license as a dispensing optician; revising certain continuing education requirements for licensees; increasing certain licensing fees; revising provisions relating to certain unethical or unprofessional conduct of licensees; setting forth certain requirements for cleaning equipment related to the practice of dispensing opticians; revising the application requirements for licensure as an apprentice dispensing optician; repealing and reorganizing certain provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “ophthalmic dispensing” to mean the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription. The term includes, in relevant part: (1) the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear; and (2) the verification of the quality of finished ophthalmic products. (NRS 637.022) **Sections 2 and 3** of this regulation, respectively, interpret the terms “ophthalmic product,” “delivery to the intended wearer,” “design,” “preparation and delivery of work orders” and “verification.”

Section 5 of this regulation revises the definition of “dispensing optician” to mean: (1) a person who holds a license as a dispensing optician; or (2) a person who holds a limited license as a dispensing optician.

Section 6 of this regulation revises the definition of “manage a business engaged in ophthalmic dispensing” to clarify that it means acting as an ophthalmic manager, as described in NAC 637.144.

Section 7 of this regulation clarifies the severability provision contained in the chapter of the Nevada Administrative Code relating to dispensing opticians.

Section 8 of this regulation clarifies that a majority of the members of the Board of Dispensing Opticians constitutes a quorum.

Existing law requires the Board to issue a special license as a dispensing optician to certain candidates who have either: (1) an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) not less than 5 years of experience as a dispensing optician. (NRS 637.127) Existing regulations interpret the requirement to have not less than 5 years of experience to include as a portion thereof the requirement of 100 hours of experience relating to the fitting and filling of prescriptions for contact lenses. (NAC 637.132)

Section 9 of this regulation interprets such requirement to instead mean that the applicant has at least 5 consecutive years of experience as a dispensing optician and that such experience was obtained not more than 2 years before the date of the application for the special license. **Section 9** further interprets the requirement to have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States to mean that the Board finds that the requirements for such an active license meet or exceed the requirements for a license as a dispensing optician in this State.

Existing regulations set forth the scope of practice of laboratory personnel. (NAC 637.140) **Section 10** of this regulation revises such scope of practice.

Existing regulations set forth the duties of an ophthalmic manager. (NAC 637.144) **Section 11** of this regulation revises such duties.

Existing regulations set forth the requirements for an application for the examination required to obtain a license as a dispensing optician. (NAC 637.150) **Section 12** of this regulation clarifies that the application is for a license as a dispensing optician and reorganizes the provisions. **Section 12** further provides that the Board will grant an applicant credit for certain required training and experience that was completed not more than 5 years before the application date and under the direct supervision of a dispensing optician who meets certain qualifications.

Existing regulations set forth requirements relating to the scope, content and administration of the examination that is required for a license or limited license as a dispensing optician, including that the Board may employ others to assist in administering the examination. (NAC 637.160) **Section 13** of this regulation provides that the Board may also use certain examinations that are administered by an independent organization if the examinations satisfy the requirements for the examinations that are administered by the Board.

Existing regulations require that a dispensing optician submit to the Board certain information related to each course of continuing education completed by the licensee. (NAC 637.190)

Section 14 of this regulation requires that the dispensing optician also indicate whether each course of continuing education has been approved as instruction related to the practice and theory of fitting contact lenses.

Existing regulations: (1) provide that a licensee is not entitled to receive credit for a course of continuing education unless the course is approved by the Board; and (2) authorize a licensee to seek approval of a course before attending the course to receive credit towards his or her hours of continuing education. (NAC 637.200) **Section 15** of this regulation provides instead that any such request for approval must be submitted to the Board at least 90 days before the date on

which the licensee submits the required statement affirming that the dispensing optician completed the required hours of continuing education that is submitted to the Board at the time of license renewal.

Existing law and regulations require a dispensing optician to complete a minimum of 14 hours of continuing education, 7 hours of which must be related to the practice and theory of fitting contact lenses. (NRS 637.135; NAC 637.200) Existing regulations authorize, under certain circumstances, a dispensing optician to receive credit for not more than 4 hours of continuing education each year for certain community service time. (NAC 637.200) **Section 15** provides that community service time does not count towards the hours of instruction related to the practice and theory of fitting contact lenses unless the dispensing optician directly fitted and dispensed contact lenses during the community service time.

Existing regulations set forth the requirements for the holder of a license as a dispensing optician or a limited license as a dispensing optician to transfer such license to an inactive list under certain circumstances. (NAC 637.215) **Section 16** of this regulation provides that if a dispensing optician reactivates the license or limited license, as applicable, the dispensing optician may again at a later time transfer the license or limited license to the inactive list.

Existing regulations set forth fees for the application, renewal, reinstatement, transfer and reactivation of a license as a dispensing optician, limited license as a dispensing optician and license as an apprentice dispensing optician. (NAC 637.150, 637.220, 637.260, 637.265) **Section 18** of this regulation: (1) reorganizes such fees into one section of the Nevada Administrative Code; and (2) increases the fees for the renewal of a license as a dispensing optician, the transfer of a limited license as a dispensing optician to an inactive list and reactivation of a license as a dispensing optician. **Sections 12, 22, 23 and 26** of this regulation make conforming changes related to the reorganization of the fees into one section.

Section 19 of this regulation requires each licensee to file with the Board his or her electronic mail address, in addition to the existing requirements to file his or her home or mailing address and business address. (NAC 637.230)

Existing law authorizes the Board to take disciplinary action against an applicant or holder of a license for certain conduct, including that the applicant or licensee is guilty of unethical or unprofessional conduct. (NRS 637.150) Existing regulations: (1) interpret the phrase “unethical or unprofessional conduct” to include engaging in the sexual harassment of an employee or consumer; and (2) define “sexual harassment” to mean 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. (NAC 637.235) **Section 20** of this regulation provides that the term “sexual harassment” includes, without limitation, such behavior.

Existing regulations require a dispensing optician to have certain optical equipment at the place of dispensing and prohibits a dispensing optician from fitting contact lenses unless the dispensing optician has access to certain equipment for fitting contact lenses. (NAC 637.241, 637.245) **Section 21** of this regulation: (1) requires that a dispensing optician have a manual or digital device used for taking optical measurements rather than a pupilometer; and (2) reorganizes the requirements for optical equipment into one section of the Nevada Administrative Code. **Section 26** of this regulation makes a conforming change to repeal the section of the Nevada Administrative Code that is no longer necessary. (NAC 637.245)

Existing regulations set forth the requirements to qualify for licensure as an apprentice dispensing optician, including the requirement to furnish proof that the applicant is of good moral character. (NAC 637.260) **Section 22** of this regulation eliminates this requirement. **Section 22** also requires that an applicant submit an affidavit attesting to the truthfulness of the statements set forth in the application.

Existing regulations require an apprentice dispensing optician to have on file with the Board a supervisor of record who is licensed in this State. (NAC 637.280) **Section 24** of this regulation requires that each apprentice dispensing optician also submit to the Board a statement from the supervisor of record attesting that the supervisor will train and supervise the apprentice dispensing optician in accordance with the provisions of the Nevada Revised Statutes and Nevada Administrative Code.

Existing regulations: (1) require an apprentice dispensing optician to submit to the Board evidence of enrollment in an educational program on the theory of ophthalmic dispensing approved by the Board or adequate prior ophthalmic experience; and (2) set forth certain requirements for training and experience. (NAC 637.285, 637.290) **Sections 4 and 25** of this regulation reorganize these provisions and **section 26** makes a conforming change to repeal the section of the Nevada Administrative Code that is no longer necessary. (NAC 637.290)

Section 26 also repeals: (1) certain definitions; (2) certain requirements related to training and experience related to the fitting and filling of prescriptions for contact lenses; (3) authority for an applicant to be issued a duplicate license; and (4) a provision that the Board will not approve more than 10 days of experience gained by an apprentice dispensing optician with a new employer before an amended application is received by the Board. (NAC 637.130, 637.148, 637.225, 637.300)

Section 1. Chapter 637 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *As used in this chapter and NRS 637.022, the Board will interpret the term “ophthalmic product” to mean any material used for the correction or relief of or remedy for any abnormal condition or inefficiency of the eye or visual process. The term includes, without limitation, lenses, frames and other specially fabricated optical devices, including, without limitation:*

- 1. Ophthalmic lenses for sunglasses, dive masks, sports goggles and occupational goggles;*
- 2. Ophthalmic prescription lenses;*
- 3. Ophthalmic devices that have dioptric power and are attached to eyeglasses; and*

4. *All prescription and nonprescription contact lenses, including, without limitation, prepackaged contact lenses, individual contact lenses, cosmetic contact lenses and theatrical contact lenses.*

Sec. 3. *As used in NRS 637.022, the Board will interpret the term:*

1. *“Delivery to the intended wearer” to mean that a dispensing optician has verified a finished ophthalmic product and has provided written authorization to have the ophthalmic product delivered to the intended wearer. The term does not include the physical delivery to the intended wearer by in-person delivery, mail or any other method for which a license is not required pursuant to chapter 637 of NRS.*

2. *“Design” to mean:*

(a) *The making of recommendations to the intended wearer of an ophthalmic product regarding the design features of the ophthalmic product, including, without limitation, lens material; and*

(b) *The preparation of a work order that will be used for the fabrication of the ophthalmic product that reflects the design features of the ophthalmic product chosen by the intended wearer.*

3. *“Preparation and delivery of work orders” to mean the creation and transmission of work orders for fabricating ophthalmic products through the process of entering prescription information or other fabricating instructions onto a paper or electronic form or into an electronic ordering system.*

4. *“Verification” to mean a physical and final inspection of a finished ophthalmic product by a dispensing optician before it is delivered to the intended wearer.*

Sec. 4. 1. Except as otherwise provided in subsection 2, an apprentice dispensing optician who receives his or her initial license:

(a) Before November 1 of any year, may renew his or her license as an apprentice dispensing optician not more than four times.

(b) On or after November 1 of any year, may renew his or her license as an apprentice dispensing optician not more than three times.

2. An apprentice dispensing optician may request one additional renewal of his or her license pursuant to subsection 3 of NRS 637.123 by submitting the request to the Board on a form provided by the Board. Any such request must be submitted not later than 90 days before the end of the apprentice dispensing optician's final authorized renewal pursuant to subsection 1.

3. The Board will grant a request for an additional renewal pursuant to subsection 2 for good cause if the Board determines that:

(a) The apprentice dispensing optician was unable to complete the education and training requirements set forth in NRS 637.100 due to unforeseen or emergency circumstances, as determined by the Board, or due to other circumstances that were outside the control of the apprentice dispensing optician; and

(b) The apprentice dispensing optician can reasonably complete the remaining education and training requirements set forth in NRS 637.100 within the time provided by the additional renewal of his or her license.

4. An apprentice dispensing optician who fails to complete the education and training requirements set forth in NRS 637.100 during the time described in subsection 1 and, if applicable, subsection 2:

- (a) May not renew his or her license as an apprentice dispensing optician again; and*
- (b) May reapply for initial licensure as an apprentice dispensing optician not earlier than 1 year after the date on which his or her previous license as an apprentice dispensing optician expires.*

Sec. 5. NAC 637.006 is hereby amended to read as follows:

637.006 “Dispensing optician” means ~~the~~ :

- 1. A person ~~engaged in the practice of ophthalmic dispensing~~ who holds a license as a dispensing optician pursuant to NRS 637.120; or*
- 2. A person who holds a limited license as a dispensing optician pursuant to NRS 637.121.*

Sec. 6. NAC 637.009 is hereby amended to read as follows:

637.009 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~~ *acting as an ophthalmic manager of an optical establishment as described in NAC 637.144.*

Sec. 7. NAC 637.020 is hereby amended to read as follows:

637.020 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 *does* not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

Sec. 8. NAC 637.110 is hereby amended to read as follows:

637.110 1. A majority ~~{vote}~~ of *the members of the Board constitutes a quorum. A* quorum of the Board is necessary to conduct *the* business ~~{}~~ *of the Board.*

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.

Sec. 9. NAC 637.132 is hereby amended to read as follows:

637.132 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}~~ *to pass* an examination administered by the Board set forth in paragraph ~~{(i)}~~ *(h)* 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.

2. *The requirement to have an active license as a dispensing optician set forth in subparagraph (1) of paragraph (i) of subsection 1 of NRS 637.127 to mean that the applicant has an active license as a dispensing optician that is issued by the District of Columbia or any state or territory of the United States and the Board finds that the requirements for such active license meet or exceed the requirements for a license as a dispensing optician set forth in this chapter and chapter 637 of NRS.*

3. The requirement ~~{of}~~ *to have not less than* 5 years of experience as a dispensing optician set forth in subparagraph (2) of paragraph ~~{(i)}~~ *(i)* 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.}~~ *mean that the*

applicant has at least 5 consecutive years of experience as a dispensing optician and that such 5 consecutive years of experience was obtained not more than 2 years before the date of application for the special license.

Sec. 10. NAC 637.140 is hereby amended to read as follows:

637.140 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]~~ *issued pursuant to this chapter and chapter 637 of NRS* shall not provide 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. Without] *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.~~

~~[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.]~~ *Laboratory personnel shall not provide an ophthalmic product to anyone other than a dispensing optician, ophthalmologist or optometrist.*

Sec. 11. NAC 637.144 is hereby amended to read as follows:

637.144 1. ~~[An]~~ *Each optical establishment must have an* ophthalmic manager ~~[-]~~ *who:*

(a) ~~[Must be]~~ *Is* a dispensing optician ; ~~[or a dispensing optician with a limited license;]~~

(b) Is responsible for supervising ~~[the]~~ *all aspects of* ophthalmic dispensing and the

~~[consulting on optical fashions conducted at a business engaged in ophthalmic dispensing;]~~ *day-to-day operations of the optical establishment, including, without limitation:*

(1) Opening and closing the optical establishment to the public;

(2) Determining the daily work schedules for employees of the optical establishment;

(3) Ensuring that all ophthalmic dispensing is performed by appropriately licensed employees and that the optical establishment and its employees adhere to the provisions of this chapter and chapter 637 of NRS;

(4) Maintaining a current list of all licensees who are employed by the optical establishment;

(5) Displaying the current licenses of licensees in a public and conspicuous area of the optical establishment; and

(6) Ensuring that:

(I) The optical establishment has received a copy of the form submitted to the Board pursuant to NAC 637.280 that indicates who the supervisor of record is for each apprentice dispensing optician employed by the optical establishment; and

(II) Each copy of the form submitted to the Board pursuant to NAC 637.280 that indicates who the supervisor of record is for each apprentice dispensing optician employed by the optical establishment is available for inspection; and

(c) Must, within 10 days after becoming the ophthalmic manager of the ~~{business,}~~ *optical establishment*, notify the Board, in writing, that he or she is the ophthalmic manager.

2. ~~{Each ophthalmic dispensing area of a business engaged in ophthalmic dispensing must have}~~ *A dispensing optician may not be* an ophthalmic manager ~~{as described in subsection 1 and a business manager.~~

~~—3.—The}~~ *for more than one optical establishment.*

3. *Except as otherwise provided in this subsection, 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}~~ *on duty during the hours that the optical establishment is engaged in ophthalmic dispensing unless* the ophthalmic manager ~~{with respect to any such matter may not be superseded by the business manager. If the business manager is not the}~~ *has assigned another dispensing optician to act as a substitute* ophthalmic manager . ~~{, the business manager may not make decisions concerning}~~ *If no dispensing optician is on duty in the optical establishment, a sign must be posted for public view at the main entrance or cashier station of the optical establishment indicating the absence of a dispensing optician and that the optical*

establishment is prohibited from engaging in ophthalmic dispensing ~~{but may make other business decisions.}~~ *until a dispensing optician is on duty in the optical establishment.*

4. An apprentice dispensing optician shall not ~~+~~
~~—(a) Act~~ *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.}~~ *or assume any type of supervisory role over a dispensing optician within an optical establishment.*

5. *A dispensing optician who violates the provisions of this section is subject to disciplinary action pursuant to NRS 637.150.*

Sec. 12. NAC 637.150 is hereby amended to read as follows:

637.150 1. An application for ~~{an examination required to obtain}~~ a license as a dispensing optician pursuant to NRS ~~{637.120}~~ *637.100* must be made to the Board on forms provided by the Board.

2. The applicant must provide with the application ~~{}~~ *on forms provided by the Board or in some other manner approved by the Board:*

- (a) Proof that he or she has met the requirements set forth in NRS 637.100.
- (b) *Proof that the applicant is a graduate of an accredited high school or its equivalent.*
- (c) *Proof that he or she has met any applicable educational program and experience as an apprentice dispensing optician set forth in NAC 637.285.*
- (d) *Proof that the applicant is at least 18 years of age.*
- (e) 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.

~~[(e)]~~ *Such letters may be sent electronically to the Board.*

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

~~[(d)] Proof of completion of the hours of training and experience required pursuant to subparagraph (2) of paragraph (f) of subsection 1 of NRS 637.100.~~

~~—(e)]~~ (g) A statement indicating whether he or she has had a professional license revoked or suspended in this State or any other state or jurisdiction ~~[(f)]~~ *and whether he or she has had any disciplinary action taken against him or her in relation to a professional license in this State or any other state or jurisdiction.* If so, the applicant must disclose the circumstances of the revocation, ~~[(e)]~~ suspension *or other discipline* and, if requested by the Board, submit to a background check.

~~[(f)]~~ (h) 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)]~~ (i) Proof that the applicant has accurately and correctly neutralized the prescriptions of not less than 100 pairs of prescription spectacles.

(j) *Proof that the applicant has passed the examination described in NAC 637.160*

(k) *The application fee as set forth in NAC 637.220.*

3. For the purposes of paragraph (c) 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.~~ *For the purposes of subparagraph (2) of paragraph (f) of subsection 1 of NRS 637.100, the Board will grant an applicant credit for training and experience that was completed not more than 5 years before the date on which the application was submitted.*

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

~~{6. A fee of \$100 must accompany the application.}~~

Sec. 13. NAC 637.160 is hereby amended to read as follows:

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

~~—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.}~~ 2. 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}~~ *use an* examination *other*

than the examination described in ~~{this section}~~ *subsection 1* to test 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.}~~ 3. The Board may ~~{employ}~~ :

(a) Employ others to ~~{assist in administering}~~ administer the ~~{examination.}~~ examinations described in subsections 1 and 2; or

(b) Use examinations that are administered by an independent organization if the examinations satisfy the requirements set forth in subsections 1 and 2.

Sec. 14. NAC 637.190 is hereby amended to read as follows:

637.190 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}~~ *The name and provider* of the course;
 - (2) ~~{Date}~~ *The date* on which the course was completed; ~~{and}~~
 - (3) ~~{Number}~~ *The number* of hours of credit given for the course ~~{}~~ ; *and*

(4) Whether the course has been approved as instruction related the practice and theory of fitting contact lenses.

2. The Board may require a dispensing optician ~~for 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~~ *to* submit to the Board a copy of the certificate of completion for each course of continuing education listed by the dispensing optician ~~for 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.~~ *on which the dispensing optician submits the statement pursuant to subsection 1 that includes that course of continuing education.*

4. A dispensing optician ~~for 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 ~~for a dispensing optician with a limited license~~ who fails to complete the required number of hours of continuing education or who makes any false statement or representation regarding the completion of hours of continuing education is subject to discipline pursuant to NRS 637.150.

Sec. 15. NAC 637.200 is hereby amended to read as follows:

637.200 1. Subjects for continuing education in ophthalmic dispensing include:

- (a) Mechanical and geometric optics;
- (b) The measurement, fitting and adapting of eyeglasses, contact lenses and optical prosthetics;
- (c) Optical materials and their design and uses as visual aids;
- (d) The nature and properties of light and its refraction by lenses;
- (e) The anatomy and physiology of the eye and its appendages;
- (f) The principles of management relating to ophthalmic dispensing;
- (g) The principles of ophthalmic dispensing and the wearing of contact lenses related to ophthalmology and optometry;
- (h) Refractometry;
- (i) Anatomy, physiology and health of the eye;
- (j) Ethics in ophthalmic dispensing;
- (k) Ophthalmic products;
- (l) Cardiopulmonary resuscitation training; and
- (m) The provisions of this chapter and chapter 637 of NRS.

2. 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~~ *request* approval of a course ~~before attending the course to receive~~ *for* 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. *Any request for approval of a course must be submitted to the Board at least 90 days before the date on which the licensee submits the statement pursuant to subsection 1 of NAC 637.190 that includes that course of continuing education.*

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~~ *licensee* 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 *other than a dispensing optician with a limited license* 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~~ licensee 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 ~~and~~; *and*

(c) If the licensee is a dispensing optician who holds a license pursuant to NRS 637.120, does not count towards the hours of instruction related to the practice and theory of fitting contact lenses required pursuant to subsection 8 unless the dispensing optician directly fitted and dispensed contact lenses during the community service time.

Sec. 16. NAC 637.215 is hereby amended to read as follows:

637.215 ~~The holder of a license as a dispensing optician or a limited license as a~~

1. A dispensing optician who has paid the fee for the transfer of the license or limited license, as applicable, to an inactive list as set forth in NAC 637.220:

~~and~~ (a) Will remain on the inactive list for a period of 5 years, unless the holder of the license *or limited license* renews his or her inactive status pursuant to ~~subsection 3~~ *paragraph*

(c) or reactivates the license *or limited license* pursuant to ~~subsection 4.~~

~~2.~~ *paragraph (d).*

(b) Is not required to obtain the credits for continuing education required for the holder of an equivalent license *or limited license* that is on active status.

~~3~~ (c) 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 *or limited license* must submit to the Board a written notice of extension. *If the holder of the license or limited license does not activate his or her license or limited license or renew his or her inactive status for a second consecutive 5-year period pursuant to this paragraph before the inactive status expires, the license or limited license expires. Except as otherwise provided in subsection 2, upon the end of the second consecutive 5-year period the Board will not renew the inactive status of a dispensing optician. If the holder of the license or limited license does not reactivate his or her license or limited license before the end of the second consecutive 5-year period, the license or limited license expires.*

~~4~~ (d) May reactivate his or her license *or limited license* by:

~~a~~ (1) Submitting a letter to the Board requesting the reactivation of the license ~~f~~
~~b~~ *or limited license;*

(2) Obtaining, within the 12 months immediately preceding the submission of the letter requesting reactivation of the license ~~f~~

~~1~~ *or limited license:*

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

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

~~1(e)~~ (3) Submitting an application for the renewal of ~~1(a)~~ *the* license ~~1(f)~~ *or limited license*;
and

~~1(d)~~ (4) Paying the fee for reactivation of the license *or limited license, as applicable*, as set forth in NAC 637.220.

2. If the dispensing optician reactivates the license or limited license, as applicable, pursuant to subsection 1, the dispensing optician may again at a later time transfer the license or limited license, as applicable, to the inactive list in the manner set forth in subsection 1.

Sec. 17. NAC 637.220 is hereby amended to read as follows:

637.220 1. *The fee for:*

(a) An application for a license as a dispensing optician that is submitted pursuant to NAC 637.150 is \$100.

(b) An application for a license as an apprentice dispensing optician that is submitted pursuant to NAC 637.260 is \$100.

2. Unless waived pursuant to subsection ~~1(2)~~ 3, the fee for the annual renewal of a:

(a) License as a dispensing optician is ~~1(\$300)~~ *\$350*.

(b) Limited license as a dispensing optician is \$200.

~~1(2)~~ *(c) License as an apprentice dispensing optician is \$100.*

3. The Board will waive the annual renewal fee set forth in subsection ~~1(1)~~ 2 for:

(a) The first renewal if the initial license or limited license was issued ~~1(to the dispensing optician)~~ on or after November 1; or

(b) The first renewal if the license or limited license was reactivated on or after November 1.

~~1(3)~~ 4. The annual delinquency fee for the reinstatement of a:

(a) License as a dispensing optician is \$300.

(b) Limited license as a dispensing optician is \$200.

~~4.~~ (c) *License as an apprentice dispensing optician is \$100.*

5. The fee for the transfer of a:

(a) License as a dispensing optician to an inactive list is \$300.

(b) Limited license as a dispensing optician to an inactive list is ~~200.~~

~~5.~~ *\$250.*

6. 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.

Sec. 18. NAC 637.230 is hereby amended to read as follows:

637.230 1. Each licensee ~~in this State~~ shall file with the Board the licensee's home or mailing address , *electronic mail address* and business address.

2. The Board must be notified *in a manner prescribed by the Board* of a change of a licensee's home *or mailing* address *or electronic mail address* within 30 days of such change.

3. The Board must be notified *in a manner prescribed by the Board* of a change of a licensee's business address within 10 days of such change.

Sec. 19. NAC 637.235 is hereby amended to read as follows:

637.235 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 ~~§~~, *including, without limitation, making unwelcome sexual advances, making requests for sexual favors or engaging in some other speech or physical conduct that is of a sexual nature and which has the purpose or effect of unreasonably interfering with the work performance of an employee or creating an environment which is intimidating, hostile or offensive to an 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}~~ *dispensing optician* who allows an apprentice dispensing optician whom the ~~{supervisor of record directly}~~ *dispensing optician* 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.

Sec. 20. NAC 637.241 is hereby amended to read as follows:

637.241 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 that is used for taking optical*

measurements;

(b) *Shall have the following optical equipment at the place of dispensing if he or she fits contact lenses:*

- (1) A slit lamp;*
- (2) A radiuscope;*
- (3) A digital or manual keratometer or autorefractor;*
- (4) A contact lens loop;*
- (5) A thickness and diameter gauge;*

(6) A fluorescence scope; and

(7) Trial contact lenses; and

(c) May have such additional equipment as he or she determines necessary.

2. All equipment must be in good working order.

3. If any equipment may be used more than once, the dispensing optician shall clean the equipment between each use with sanitizing wipes or spray. The dispensing optician shall comply with any guidelines for the cleanliness and sanitation of equipment and the optical establishment that are approved by the Board.

Sec. 21. NAC 637.260 is hereby amended to read as follows:

637.260 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.

(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 ~~{}~~ *and whether he or she has had any disciplinary action taken against him or her in relation to a professional license 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)}~~ (e) 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.

(f) *An affidavit attesting the truthfulness of the statements made pursuant to this section.*

3. Each application must be ~~{certified under oath by the applicant and}~~ *accompanied by a statement made by* the supervising ophthalmologist, optometrist or dispensing optician ~~{}~~ *on a form prescribed by the Board in which the supervising ophthalmologist, optometrist or dispensing optician certifies under oath to train and supervise the apprentice dispensing optician in accordance with the provisions of this chapter and chapter 637 of NRS.*

4. ~~{A}~~ *The application* fee ~~{of \$100}~~ *as set forth in NAC 637.220* must accompany each application. ~~{The fee will not be refunded.}~~

Sec. 22. NAC 637.263 is hereby amended to read as follows:

637.263 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~~ *NAC 637.220* that is not waived; and
- (b) Pays the delinquency fee set forth in NAC ~~637.265~~ *637.220*.

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.

Sec. 23. NAC 637.280 is hereby amended to read as follows:

637.280 1. An apprentice dispensing optician must have on file with the Board a supervisor of record who is licensed in this State ~~as a~~ *as a dispensing optician, ophthalmologist or optometrist*. 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. *Each apprentice dispensing optician must submit to the Board, on a form prescribed by the Board, a statement from the supervisor of record attesting that the supervisor will train and supervise the apprentice dispensing optician in accordance with the provisions of this chapter and chapter 637 of NRS.*

3. 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.

~~3.1~~ 4. When a permanent change of supervision is made, the apprentice dispensing optician shall, *within 10 business days*, notify the Board ~~1.1~~ in writing ~~1.1~~ of the permanent change

~~within 10 business days after the permanent change.~~

~~4.1~~ *and submit the statement required pursuant to subsection 2 from the new supervisor of record.*

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

~~5.1~~ 6. Except as otherwise provided in subsection ~~6.1~~ 7, an apprentice dispensing optician and his or her supervisor of record must be employed by the same employer at the same ~~work location.~~

~~6.1~~ *optical establishment. An apprentice dispensing optician shall, within 10 business days, notify the Board in writing of any change in employment in a manner prescribed by the Board.*

7. 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)~~ (f) of subsection 1 of NRS 637.100.

~~7.1~~ 8. 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.

~~8.1~~ 9. The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.

~~9.1~~ 10. As used in this section:

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

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

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

Sec. 24. NAC 637.285 is hereby amended to read as follows:

637.285 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 program on the theory of ophthalmic dispensing *or in 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 ~~+~~, *as required pursuant to paragraph (e) of subsection 1 of NRS 637.100*; or

(b) Has ~~received adequate prior ophthalmic experience in lieu of the completion of an~~ *successfully completed the* educational program *or course of study that is* 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 course of study* or fails to submit evidence of ~~experience~~ *successfully completing the educational program or course of study* 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}~~ **An** apprentice dispensing optician who ~~{is required to complete}~~ **completes** the educational program ~~{required by}~~ **described in** paragraph (a) of subsection 1 must ~~{complete 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 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 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.}~~ **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 (e) 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 ~~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.~~ *successfully completes a course of study in a school which offers a degree of associate of science in ophthalmic dispensing described in paragraph (a) of subsection 1 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.*

5. *The Board may, in its discretion, grant an apprentice dispensing optician credit for training and experience that was completed before the date on which an application for initial licensure as an apprentice dispensing optician was submitted.*

Sec. 25. NAC 637.130, 637.148, 637.225, 637.245, 637.265, 637.290 and 637.300 are hereby repealed.

TEXT OF REPEALED SECTIONS

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.

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 (f) 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.

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.

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;
4. A contact lens loop;
5. A thickness and diameter gauge;
6. A fluoresce scope; and
7. Trial lenses.

637.265 Fee for renewal or reinstatement of license; waiver of renewal fee for first renewal of license. (NRS 637.070, 637.123)

1. Unless waived, the fee for the annual renewal of a license as an apprentice dispensing optician is \$100. The Board will waive the annual renewal fee for the first renewal if the initial license was issued to the apprentice dispensing optician on or after November 1.

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

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.

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.