

NEVADA BOARD OF DISPENSING OPTICIANS
FIRST DRAFT BILL LANGUAGE (REV. 2/6/22)

GENERAL PROVISIONS

Removed unnecessary and outdated provision.

~~NRS 637.010 Short title. This chapter may be cited as the Dispensing Opticians Act of 1951.
—[1:216:1951]~~

Legislative Declaration added to clarify purpose of Chapter and is consistent with other Boards' statutes.

Legislative Declaration. The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:

- 1. Only competent and scrupulous persons practice ophthalmic dispensing in this State; and*
- 2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.*

NRS 637.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 637.021](#) to [637.024](#), inclusive, have the meanings ascribed to them in those sections.

[2:216:1951; A [1953, 554](#)](NRS A [1961, 761](#); [1975, 549](#); [1977, 191](#); [1979, 1194](#); [1985, 534](#); [1987, 603](#))

NRS 637.021 "Board" defined. "Board" means the Board of Dispensing Opticians.
(Added to NRS by [1987, 601](#))

This new definition is consistent with other Boards' statutes and provides clarity throughout the Chapter.
"License" defined. "License" means a license issued by the Board.

This definition updated to clarify this term only apply to persons licensed pursuant to this Chapter in the state of Nevada, and not all persons who practice ophthalmic dispensing in Nevada or elsewhere.

NRS 637.0215 "Dispensing optician" defined. "Dispensing optician" means:

- 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.*
- (Added to NRS by [1987, 601](#))

Definition updated for clarity and concision and to allow for mail-order dispensing; replaces "verification" with "inspection"; removes unnecessary text; clarifies certain activities must be completed prior to ophthalmic lenses being dispensed to a customer (replaces removed provision from 637.150, prohibiting an optician from dispensing eyewear without performing a final inspection); specifies activities that do not require a license; certain provisions moved from 637.025 into this section, for better organization.

NRS 637.022 "Ophthalmic dispensing" defined.

1. "Ophthalmic dispensing" means ~~[the]~~ :
 - (a) The design ~~[, verification]~~ of lenses, frames and other specially fabricated optical devices upon prescription;*
 - (b) The inspection of such lenses, frames and devices; and ~~[delivery]~~*
 - (c) The final, written authorization to deliver such lenses, frames and devices to the intended wearer ~~[of lenses, frames and other specially fabricated optical devices] upon prescription.~~*

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) *The making of recommendations to the intended wearer of the lenses regarding lens material and other prescription-dependent design features;*

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear [;], *including, without limitation, the preparation and delivery of electronic work orders by entering prescription information into a computer or other online system;*

~~[(e)]~~ (d) The ~~[verification]~~ *physical final inspection* of the quality of finished ophthalmic products

~~[(d)]~~ (e) The adjustment of lenses or frames to the intended wearer's face or eyes;

~~[(e)]~~ (f) The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~(+)~~ (g) The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription, ~~when done by a dispensing optician or apprentice dispensing optician who is authorized person licensed~~ to do so pursuant to the provisions of this chapter;

3. The term does not include:

(a) *the making of recommendations regarding frame designs or other design features that do not depend upon a prescription;*

(b) *the completion of sales transactions;*

(c) *the transfer of physical possession of lenses, frames and other specially fabricated optical devices subsequent to the performance of all services of the dispensing optician, provided such physical possession is not transferred until the dispensing optician has:*

(i) *completed the final physical inspection of the product,*

(ii) *fitted the optical device upon the customer, and*

(iii) *issued written authorization to dispense the product.*

(d) *the sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.*

(e) any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act,

(Added to NRS by [1987, 601](#); A [2003, 2011](#))

NRS 637.023 "Prescriber" defined. "Prescriber" means a physician or optometrist authorized to examine eyes and prescribe therapeutic or corrective lenses.

(Added to NRS by [1987, 602](#))

NRS 637.0235 "Prescription" defined. "Prescription" means a direction from a licensed prescriber to:

1. Prepare therapeutic or corrective lenses; or

2. Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

(Added to NRS by [1987, 602](#); A [1997, 1258](#))

This definition updated to mirror language throughout rest of Chapter and clarify term.

NRS 637.024 "Direct supervision" defined. ~~"Supervision" means the provision of individual direction, control, inspection and evaluation of work.~~ *"Direct supervision" means the supervisor is physically present in the optical establishment to provide individual direction, control, inspection, and evaluation of work.*

(Added to NRS by [1987, 602](#))

The following two definitions are needed to distinguish between a single place of business, and a business that may own or operate more than one place of business.

“Optical establishment” defined. “Optical establishment means a single physical store, office, or department of a business where ophthalmic dispensing takes place. It may belong to a larger optical business.

“Optical business” defined. “Optical business” means a business engaged in ophthalmic dispensing.

Edited for consistency of language; last provision removed from this section and added into NRS 637.022 for clarity: the provisions of this chapter do apply in this circumstance, but the activity does not constitute “ophthalmic dispensing.”

NRS 637.025 Applicability of chapter. The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.
 2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.
 3. ~~A licensed pharmacist~~ *The dispensing of prepackaged contact lenses by a licensed pharmacist pursuant to the provisions of NRS 639.2825;*
 - ~~4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.~~
- ~~—[13:216:1951]—(NRS A 2003, 2012)~~

BOARD OF DISPENSING OPTICIANS

Provisions added to clarify requirements for serving on the Board and finishing terms.

NRS 637.030 Creation; number, appointment, qualifications and removal of members.

1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.
 2. The Governor shall appoint:
 - (a) Four members who *are dispensing opticians and* have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.
 - (b) One member who is a representative of the general public. This member must not be:
 - (1) A dispensing optician; or
 - (2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.
 3. *A member may continue in office until the appointment of a successor.*
 4. The Governor, after hearing, may remove any member for cause.
- [Part 10:216:1951; A 1953, 554]—(NRS A 1977, 1255; 1979, 1195; 2003, 1195)

Provisions related to subpoena powers of the Board/enforcement of subpoenas moved under Disciplinary and Other Actions, to improve organization of Chapter. Provisions related to meetings, officer, and fiscal year combined.

NRS 637.040 *Board meetings;* Election of officers; *fiscal year* ~~issuance of subpoenas; administration of oaths.~~

1. The Board shall:

- (a) Meet at least once each year on a date determined by the Board;*
- (b) Elect a President, Vice President, Secretary and Treasurer from its membership.*

2. A majority of the members of the Board constitutes a quorum for the purposes of transacting the business of the Board.

3. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

- ~~1. The Board shall elect a President, Vice President, Secretary and Treasurer from its membership.~~
- ~~2. Any member of the Board may:~~
 - ~~(a) Issue subpoenas to compel the attendance of witnesses to testify before the Board or the production of books, papers and documents. Subpoenas must issue under the seal of the Board and must be served in the same manner as subpoenas issued out of the district court.~~
 - ~~(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.~~
- ~~[Part 11:216:1951; A 1953, 554] (NRS A 1987, 603; 2007, 1239)~~

~~NRS 637.041—Enforcement of subpoenas issued by Board.~~

- ~~1. The district court in the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books, papers or documents as required by any subpoena issued by the Board.~~
- ~~2. If any witness refuses to attend or testify or produce any books, papers or documents required by such a subpoena, the Board may report to the district court for the county in which the hearing is pending by petition, setting forth:~~
 - ~~(a) That due notice has been given of the time and place of attendance of the witness or the production of the books, papers or documents;~~
 - ~~(b) That the witness has been subpoenaed in the manner prescribed in [NRS 637.040](#); and~~
 - ~~(c) That the witness has failed and refused to attend or produce the books, papers or documents required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him or her in the course of the hearing;~~~~→ and asking an order of the court compelling the witness to attend and testify or produce the books, papers or documents before the Board.~~
- ~~3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the books, papers or documents before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court may thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books, papers or documents and upon failure to obey the order the witness shall be dealt with as for contempt of court.~~
- ~~[Part 11:216:1951; A 1953, 554] (NRS A 1979, 1199; 2007, 1242) (Substituted in revision for NRS 637.190)~~

Provisions in this section updated and simplified.

NRS 637.045 Salary of members; per diem allowance and travel expenses of members and employees
While engaged in the business of the Board:

1. Each member of the Board is entitled to receive a salary of not more than \$150 per day, as established by the Board; and

2. Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.

~~Each member of the Board is entitled to receive:~~

- ~~(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and~~

~~—(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~—2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

(Added to NRS by [1963, 154](#); A [1975, 305, 549](#); [1981, 1993](#); [1985, 444](#); [1989, 911, 1700](#); [2007, 2950](#))

This section should be renumbered to appear above 637.045, pertaining to travel expenses for employees. Provisions here related to Board offices and personnel updated to reflect current practice, combined with other provisions related to administration of the Board (previously contained in 637.070); provisions related to board meetings updated and moved to Section 637.040 to improve organization of Chapter.

NRS 637.050 Offices; *employees and contractors; other business.* ~~meetings.~~

~~1. The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, and may meet or conduct any of its business at any place in the State.~~

~~—2. The Board shall meet~~

~~at least once in the fall of each year on a date determined by the Board, at which time candidates applying for licensing must be examined and their qualifications determined.~~

~~—3. In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time and place of all such meetings must be determined by the Board~~

The Board may:

(a) Maintain offices in as many locations in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ and fix the compensation of an Executive Director and any other employees, including, without limitation, investigators, lobbyists, attorneys, other professional consultants, and clerical personnel, it deems necessary to carry out the provisions of this chapter, and

(c) Contract with professional consultants and service providers, including, without limitation, investigators, lobbyists, and attorneys, as it deems necessary to carry out the provisions of this chapter.

(d) Transact any other business necessary to carry out the provisions of this chapter.

~~—[Part 4:216:1951; R 1953, 554; new section added 1953, 554] + [Part 11:216:1951; A 1953, 554]—
(NRS A [1963, 155](#); [1979, 1195](#); [1983, 1448](#); [1987, 603](#))~~

This new provision is in line with other Boards' statutes.

Immunity. The Board, any of its members, and its staff and employees, are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.

Clause regarding gifts and donations moved here from 637.154 and is in line with other Boards' statutes; gifts and donations can now be applied to all costs, and not just to pursue investigations.

NRS 637.060 Deposit and use of money received by Board; *Gifts and donations*; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.

1. Except as otherwise provided in subsection ~~3~~ **4**, all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or

savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. *The Board may accept gifts, grants, donations and contributions of money from any source to assist in carrying out the provisions of this chapter.*

~~3.~~ 3. In a manner consistent with the provisions of [chapter 622A](#) of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

[Part 11:216:1951; A [1953, 554](#)]—(NRS A [1963, 155](#); [1983, 1537](#); [1999, 1534](#); [2005, 771](#))

Board's regulatory authority now combined under a single section for clarity and to improve the organization of the Chapter; regulatory authority has been updated to reflect current practice and to allow the Board flexibility in setting licensing terms, expiration dates, etc; provisions related to hearings/discipline have been moved to other more appropriate sections; provision related to Board business moved to 637.050.

NRS 637.070 Rules and regulations; ~~seal; members may be empowered to conduct proceedings, hearings and investigations; employees and assistants.~~

1. The Board may adopt such rules and regulations as it ~~may deem~~ *deems* necessary to carry out the provisions of this chapter.

~~—2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~—3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~—4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem]~~

~~—5. Transact any other business necessary to carry out the provisions of this chapter., including, without limitation, regulations:~~

(a) Establishing standards of practice for persons licensed pursuant to this chapter;

(b) Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute; and

(c) Prescribing the schedule of administrative fines for citations issued pursuant to this Chapter and the form of such citations.

[Part 10:216:1951; A [1953, 554](#)] + [Part 11:216:1951; A [1953, 554](#)]—(NRS A [1963, 155](#))

Repealed provisions combined into Section 637.070: Board's regulatory authority.

~~NRS 637.073—Regulations setting minimum standards for optical and ophthalmic devices.~~

~~—1. The Board shall adopt regulations setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a person licensed as a dispensing optician.~~

~~—2. The standards adopted by the Board must be consistent with the minimum standards of quality approved by the American National Standards Institute.~~

~~—(Added to NRS by [2007, 1238](#))~~

Repealed provision combined into section 637.040: Board meetings, etc.

~~NRS 637.075 Fiscal year. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.~~

(Added to NRS by [1963, 154](#))

The Board is required to comply with Nevada public records laws; sections 1, 4, and 5 may expose the Board to liability in excess of what is required; this section revised to address only confidentiality of certain records.

NRS 637.085 *Records regarding applicants and licensees*; Confidentiality of certain records of Board; ~~exceptions.~~

~~1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.~~ **3.** Except as otherwise provided in ~~[this section and]~~ NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) ~~Any other information or records in the possession of the Board.~~ Except as otherwise provided in ~~this section and~~ NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person ~~are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~5. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.~~

(e) Any other information or ~~[records]~~ *record* in the possession of the Board *that is not a public record subject to the provisions of Chapter 239 of NRS.*

(Added to NRS by [1987, 602](#); A [2003, 3451](#); [2005, 771](#); [2007, 2139](#); [2013, 2233](#))

LICENSES

The sections under this heading need to be renumbered to reflect the following order of topics:

Active license required for practice...

Requirements for licensing as dispensing optician

Requirements for licensing as apprentice dispensing optician

Limited license as dispensing optician...

Regulations governing licensure...

Payment of child support...

Renewal – collection of demographic info...
Fees and charges...
Board required to maintain public records...

Revisions made to clarify a person cannot manage an individual optical location without a valid license.

NRS 637.090 Active license required for practice of ophthalmic dispensing or management of ~~business engaged in ophthalmic dispensing an optical establishment~~. A person shall not engage in the practice of ophthalmic dispensing, or manage ~~a business engaged in ophthalmic dispensing an optical establishment~~, without holding a valid, active license issued as provided by this chapter.

[3:216:1951; A [1953, 554](#)]—(NRS A [1979, 1196](#); [1987, 604](#))

These provisions simplified and many are now addressed under “Regulations governing licensure” section, below. Revisions made to expedite licensure for persons transferring from other states/jurisdictions and to allow for license reciprocity for states that have equivalent licensing requirements.

NRS 637.100 ~~Qualifications for examination and~~ *Requirements for* licensing as dispensing optician; ~~regulations governing licensing of dispensing opticians and apprentice dispensing opticians.~~

1. To ~~qualify be eligible for examination and licensing a license~~ as a dispensing optician, an applicant must : ~~furnish proof that the applicant~~

(a) ~~Is Be~~ at least 18 years of age.

(b) ~~Is of good moral character.~~

(c) ~~Is Be~~ a graduate of an accredited high school or its equivalent.

—(d) ~~Has passed the examination of the American Board of Opticianry.~~

—(e) (c) ~~Has Have~~ done either of the following:

(1) [Served] *Successfully completed an educational program on the theory of ophthalmic dispensing approved by the Board and served* as an apprentice dispensing optician for not less than [3] 2 years in ~~an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved]~~ *accordance with regulations adopted* by the Board [;] *pursuant to NRS 637.070(4);* or

(2) ~~Successfully completed a course of study in a school which offers a degree of associate in applied science Been awarded an Associate of Applied Science degree~~ for studies in ophthalmic dispensing *from a school* approved by the Board and ~~[has had 1 year of ophthalmic experience]~~ *served* as an apprentice dispensing optician ~~[under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for not less than 1 year in accordance with regulations adopted by the Board pursuant to NRS 637.070(4).~~

(d) *Have passed any examination or obtained any certificate required by regulations adopted pursuant to NRS 637.070(5), for the issuance of a license as a dispensing optician.*

(f) *Has done all of the following:*

(1) ~~Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

—(2) ~~Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

—(3) ~~Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

—(4) ~~Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.]~~

2. ~~[The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that establish requirements for:~~

- ~~(a) The program of apprenticeship for apprentice dispensing opticians;~~
- ~~(b) The training and experience of apprentice dispensing opticians; and~~

~~—(c) The issuance of licenses to apprentice dispensing opticians.]~~ *The Board may waive the requirements of paragraph (c) of subsection 1 for an applicant who submits proof that the applicant:*

(a) Is a graduate of a foreign school and has acquired education and experience equivalent to or greater than the requirements for the issuance of a dispensing optician license in this State; or

(b) Has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing from the District of Columbia or any state or territory of the United States that does not have requirements for licensure equivalent to or greater than the requirements for the issuance of a license as a dispensing optician in this State. Such work experience must have been obtained not more than 2 years prior to the date of application for licensure.

(c) is an active member of the Armed Forces or spouse of an active member of the Armed Forces.

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof that the applicant holds a corresponding valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States whose requirements for that license are equivalent to or greater than the requirements for the issuance of a license as a dispensing optician in this State

4. A license as a dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State.

(b) Must at all times be conspicuously displayed at the holder's place of practice.

[Part 4:216:1951; R [1953, 554](#); new section added [1953, 554](#)]—(NRS A [1971, 220](#); [1975, 549](#); [1977, 1566](#); [1979, 603, 1196](#); [1989, 911](#); [2003, 2012](#); [2019, 4289](#))

This section added to replace and simplify provisions of 637.123; many of those items now addressed under “Regulations governing licensure” section, below.

Requirements for licensing as apprentice dispensing optician.

1. To be eligible for a license as an apprentice dispensing optician, an applicant must:

(a) Be at least 18 years of age; and

(b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist.

(b) Must at all times be conspicuously displayed at the holder's place of practice.

This section added to grant the Board greater flexibility in determining licensing processes and requirements, expiration dates, renewal terms, continuing education requirements, etc.

Regulations governing licensure.

1. The Board may adopt such rules and regulations it deems necessary to carry out the provisions of this Chapter, including, without limitation, regulations:

(a) Establishing requirements for the program of apprenticeship for apprentice dispensing opticians;

(b) Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to test an applicant's knowledge of the theory and practice of ophthalmic dispensing;

(c) Prescribing the procedure for submitting an application for licensure and any required documentation to the Board and the procedure for approving or denying applications and issuing licenses;

(d) Prescribing the period for which a license as a dispensing optician or limited license as dispensing optician is valid and the terms of license renewal and reinstatement, which may include requirements for continuing education. Unless otherwise prescribed by regulation pursuant to this paragraph, a license as a dispensing optician or limited license as a dispensing optician:

(1) expires on January 31;

(2) is valid for 1 year after the date of its last renewal;

(3) becomes delinquent if not renewed by January 31

(4) may be reinstated not later than 1 year from the date it becomes delinquent.

(e) Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms of license renewal and reinstatement, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection (a). Unless otherwise prescribed by regulation pursuant to this paragraph, a license as an apprentice dispensing optician:

(1) expires on January 31;

(2) is valid for 1 year after the date of its last renewal;

(3) becomes delinquent if not renewed by January 31;

(4) may be reinstated not later than 1 month from the date it becomes delinquent.

(f) Prescribing requirements for the inactivation of a license as a dispensing optician and the reactivation of a license which has been inactivated. A license may not remain inactive for longer than 10 consecutive years before it expires permanently.

(k) Prescribing the requirements for the approval of a course of continuing education or a provider of continuing education for purposes of license renewal.

These items now addressed under “Regulations governing licensure” section, above and 637.100 (qualifications for licensure as a dispensing optician).

~~NRS 637.110—Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.~~

~~—1.—An application for the issuance of a license as an apprentice dispensing optician must be accompanied by a fee of not more than \$250 to cover the costs of the Board and the initial licensing.~~

~~—2.—An application for the issuance of a license as a dispensing optician must be accompanied by a fee of not more than \$500 to cover the cost of the examination by the Board and the initial licensing.~~

~~—3.—The Board shall, if it approves an application for the issuance of a license as a dispensing optician, examine the applicant in ophthalmic dispensing, except that the Board may waive the examination of an applicant who is, at the time of application, licensed as a dispensing optician in another state.~~

~~—4.—Except as otherwise provided in NRS 622.090, to pass the examination for the issuance of a license as a dispensing optician, an applicant must achieve a score of at least 70 percent.~~

~~—5.—The member of the Board who is the representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.~~

~~—[Part 4:216:1951; R 1953, 554; new section added 1953, 554] + [Part 6:216:1951; A 1953, 554]~~
~~(NRS A 1975, 550; 1979, 1196; 1981, 1342; 1987, 604; 1989, 911; 1997, 2139; 2003, 2013; 2017; 2007, 2950)~~

The following two sections need to be renumbered and placed according to list under “Licenses” heading.

NRS 637.113 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a dispensing optician or apprentice dispensing optician shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a dispensing optician or apprentice dispensing optician shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a dispensing optician or apprentice dispensing optician may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by [1997, 2138](#); A [2003, 2013](#); [2005, 2737, 2807, 2816](#))

NRS 637.113 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a dispensing optician or apprentice dispensing optician shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a dispensing optician or apprentice dispensing optician may not be issued or renewed by the Board if the applicant:

- (a) Fails to submit the statement required pursuant to subsection 1; or
- (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by [1997, 2138](#); A [2003, 2013](#); [2005, 2737, 2738, 2807, 2816](#), effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

This section updated to better reflect current practice and public records laws, and for consistency with other Boards' statutes.

NRS 637.115 Board required to maintain public records concerning applicants *and licensees*. ~~The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. These records must be open to the public and must include:~~

1. *The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied, which shall include:*

- (a) The name of each person who has applied for a license;
- (b) The name of each person who has been issued a license;
- (c) The business address of each applicant or licensee;
- (d) The date of issuance of the license or denial of the application
- (e) The current status of the license.
- (f) Persons whose licenses have been subject to disciplinary action by the Board.

~~2. The name of the school granting the diploma to the applicant.~~

~~3. The date of the diploma.~~

~~4. The business address of the applicant.~~

~~5. The date of issuance or denial of the license.~~

~~6. The current status of the license.~~

2. *Upon request, the Board shall disclose the information included in each list and may charge a fee for a copy of the list, not to exceed the administrative cost of producing the list.*

~~(Added to NRS by [1987, 602](#))~~

These provisions replaced with added regulatory authority in this section. Duplicate license provision no longer needed as Board is issuing certificates electronically.

~~NRS 637.120—Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.~~

~~1. The Board shall issue a license as a dispensing optician to each applicant who satisfies the requirements of this chapter for the issuance of the license.~~

~~2. A license as a dispensing optician authorizes the holder to engage in the practice of ophthalmic dispensing and must at all times be conspicuously displayed at the holder's place of practice. The license is not transferable by the holder.~~

~~—3. The Board may, upon application and the payment of a fee not to exceed \$100, issue one duplicate license.~~

~~—[Part 6:216:1951; A 1953, 554] (NRS A 1979, 1197; 1987, 604; 1989, 912; 2003, 2014)~~

This section needs to be renumbered according to list at top of heading. These items now addressed under “Regulations governing licensure” section, above. Provision added to prohibit inactivation of a limited license.

NRS 637.121 Limited license as dispensing optician; ~~regulations.~~

1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~2.]~~ Only a person who is deemed to ~~[hold]~~ *have held* an active [,] *or* inactive ~~[or delinquent]~~ limited license as a dispensing optician ~~[on]~~ *since* February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

2. Except as otherwise provided in subsection 3, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.

3. A person practicing ophthalmic dispensing pursuant to a limited license ~~+~~:

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall~~ *shall* not ~~[sell, furnish or fit]~~ *dispense* contact lenses.

4. A limited license as a dispensing optician ~~+~~:

~~(a) Expires on January 31 of each year.~~

~~(b) May be renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than \$200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than \$500.~~

~~5. Upon written request to the Board, and payment of a fee not to exceed \$300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~—(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.† (a) must at all times be conspicuously displayed at the holder's place of practice.~~

~~(b) May not be inactivated pursuant to the terms of (?) on or after January 31, 2023.~~

These items now addressed under "Regulations governing licensure" section, above.

~~NRS 637.123—Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.~~

~~—1. Except as otherwise provided in this section:~~

~~—(a) The license of an apprentice dispensing optician expires on January 31 of each year unless the license is renewed before expiration upon payment of the annual renewal fee set by the Board, not to exceed \$200.~~

~~—(b) The license of an apprentice dispensing optician that is not renewed before January 31 is delinquent. A delinquent license may be reinstated at the discretion of the Board upon payment of each applicable annual renewal fee and an annual delinquency fee established by the Board, not to exceed \$100.~~

~~—2. The Board may by regulation require continuing education as a prerequisite to the renewal of the license of an apprentice dispensing optician.~~

~~—3. The license of an apprentice dispensing optician may be renewed not more than four times, unless the Board determines that good cause exists for one or more additional renewals.~~

~~—(Added to NRS by 1987, 602; A 1989, 913; 1997, 2139; 2003, 2014, 2017)~~

This section needs to be removed to its own heading – "Employment and Supervision of Licensees"; The provisions of this section are not directly within the topic of licenses: issuance, terms and requirements.

NRS 637.125 Employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants; regulations.

1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. ~~If a person is~~ a licensed ~~by the Board as an~~ apprentice dispensing optician *may engage in ophthalmic dispensing only under the following circumstances:*

(a) A licensed dispensing optician, licensed ophthalmologist or licensed optometrist must:

~~—(a) Directly supervise all work done by the apprentice dispensing optician. is physically present to directly supervise all dispensing activities and verify the quality of the finished products to be dispensed;~~

(b) The licensed supervisor may not have more than two licensed apprentice dispensing opticians under his or her supervision at any one time;

(c) A holder of a limited license as a dispensing optician may not supervise an apprentice dispensing optician in the performance of any service relating to dispensing contact lenses.

~~—(b) Be in attendance whenever the apprentice dispensing optician is engaged in ophthalmic dispensing.~~

~~—[(c) Post the license of the apprentice dispensing optician in a conspicuous place where the~~

~~apprentice dispensing optician works.~~

4. A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.

~~[5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.]~~

Section removed and combined into 637.100 (requirements for licensure); “Special License” is a misnomer and is functionally equivalent to a license as a dispensing optician; special requirements for persons transferring to Nevada now addressed under 637.100.

~~NRS 637.127—Special license as dispensing optician.~~

~~—1. The Board shall issue a special license as a dispensing optician to an applicant who:~~

~~—(a) Is at least 18 years of age;~~

~~—(b) Is of good moral character;~~

~~—(c) Is a graduate of an accredited high school or its equivalent;~~

~~—(d) Has passed the National Opticianry Competency Examination of the American Board of Opticianry;~~

~~—(e) Is currently certified by the American Board of Opticianry;~~

~~—(f) Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;~~

~~—(g) Is currently certified by the National Contact Lens Examiners;~~

~~—(h) Has passed an examination, if one exists, which is based solely on the provisions of this chapter and any regulations adopted pursuant thereto and is administered by the Board; and~~

~~—(i) Has 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.~~

~~—2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to [NRS 637.120](#), including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.~~

~~—(Added to NRS by [2007, 1843](#); A [2019, 4290](#))~~

These items now addressed under “Regulations governing licensure” section, above.

~~NRS 637.135—Dispensing optician: Continuing education.~~

~~—1. Except as otherwise provided in subsection 2, all licensed dispensing opticians must complete a yearly program of continuing education in ophthalmic dispensing.~~

~~—2. Licensed dispensing opticians on active military service are exempt from the requirement of this section.~~

~~—3. The program of continuing education in ophthalmic dispensing must:~~

~~—(a) Encompass such subjects as are established by regulations of the Board.~~

~~—(b) Consist of a minimum of 14 hours for a period of 12 months. Of these 14 hours, 7 hours must be related to contact lenses.~~

~~—(Added to NRS by [1975, 549](#); A [1979, 1197](#); [1987, 606](#); [2003, 2015](#))~~

These items now addressed under “Regulations governing licensure” section, above.

~~NRS 637.140—Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.~~

~~—1. A license as a dispensing optician issued under the provisions of this chapter expires on January 31 of each year.~~

~~—2. A license may be renewed before its expiration upon:~~

~~—(a) Presentation of proof of completion of the continuing education required by [NRS 637.135](#); and~~

~~—(b) Payment of a renewal fee set by the Board of not more than \$500.~~

~~—3. Except as otherwise provided in subsection 4, any license which is not renewed before January 31 of each year shall be deemed delinquent. Not later than 2 years after the expiration of a license, a delinquent license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than \$500.~~

~~—4. Upon written request to the Board, and payment of a fee not to exceed \$300, a licensee in good standing may have his or her name and license transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the license is inactive. If an inactive licensee desires to resume the practice of ophthalmic dispensing, the Board shall reactivate the license upon the:~~

~~—(a) Demonstration, if deemed necessary by the Board, that the licensee is then qualified and competent to practice;~~

~~—(b) Completion of an application; and~~

~~—(c) Payment of the renewal fee set by the Board pursuant to subsection 2.~~

~~→ Payment of the delinquency fee and the renewal fee for any year while the license was inactive is not required.~~

~~—[8:216:1951]—(NRS ~~A~~ [1975, 550](#); [1979, 1198](#); [1981, 1343](#); [1987, 606](#); [1989, 913](#); [1997, 2140](#); [2003, 2016, 2017](#); [2007, 1240](#))~~

NRS 637.145 Renewal: Authority of Board to make data request concerning demographic and practice information available to applicants for voluntary completion and electronic submission; confidentiality of information provided.

1. The Board may:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to [NRS 439A.116](#) available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

(Added to NRS by [2021, 804](#))

New section consolidates all fees and charges into one section for clarity and organization.

Fees and charges. The Board shall establish a schedule of fees and charges, which must not exceed the following amounts:

An examination established by the Board pursuant to this chapter \$500

An application for a license as a dispensing optician \$500

An application for a license as an apprentice dispensing optician..... \$250

The renewal of a license as a dispensing optician \$500

The renewal of a limited license as a dispensing optician \$200

The renewal of a license as an apprentice dispensing optician..... \$200

The delinquency fee for a license as a dispensing optician \$500

<i>The delinquency fee for a limited license as a dispensing optician.....</i>	<i>\$500</i>
<i>The delinquency fee for a license as an apprentice dispensing optician.....</i>	<i>\$100</i>
<i>The inactivation of license as a dispensing optician.....</i>	<i>\$300</i>
<i>The reactivation of a license that has been placed on inactive status.....</i>	<i>\$300</i>

DISCIPLINARY AND OTHER ACTIONS

This section revised to consolidate and simplify provisions related to professional discipline against an applicant or license holder.

637.150 1. If the Board finds, ~~[by a preponderance of the evidence,]~~ *after notice and a hearing as required by law*, that an applicant or holder of a license ~~±~~

~~(a) Has~~ *has* been adjudicated insane ~~±~~

~~(b) Habitually,~~ *habitually* uses any controlled substance or intoxicant ~~;~~

~~(c) Has~~ *or has* been *diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may, in the case of an applicant, refuse to grant the applicant a license or, in the case of a holder of a license, place the holder on probation, suspend or revoke the holder's license, or take any combination of these actions.*

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare, the Board may, in the case of an applicant, refuse to grant the applicant a license or, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than \$10,000 for each act constituting grounds for disciplinary action, suspend or revoke the holder's license, or take any combination of these disciplinary actions. The Board shall not privately reprimand a holder of a license.

3. The Board may reinstate a revoked license pursuant to the provisions of chapter 622A of NRS upon application by the person to whom the license was issued.

4. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the Board receives the report.

~~5. The Board shall not privately reprimand a holder of a license.~~

6. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person licensed pursuant to this Chapter, including, without limitation, a law enforcement agency.

7. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

8. As used in this section, "unprofessional conduct" includes:

(a) Being convicted of ~~[a]~~ *any* crime involving moral turpitude;

~~[(d) Has been convicted of violating]~~ *or violating* any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~—[(e) Has advertised]~~

(b) Advertising in any manner which would tend to deceive, defraud or mislead the public;

~~—[(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained]~~

(c) Obtaining a license to practice in this State through fraud *or the misrepresentation or concealment* of ~~[any kind;~~

~~—(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;~~

~~—(h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;~~

~~—(i) Has violated] a material fact;~~

(d) Committing fraud or deceit in the practice of ophthalmic dispensing;

(e) Violating any provision of this chapter or any regulation of the Board [;

~~—(j) Has violated any provision of] adopted pursuant to this chapter;~~

~~—[(k) Is incompetent;~~

~~—(l) Is guilty of unethical or unprofessional conduct as determined by the Board;~~

~~—(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;~~

~~—(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or (o) Has operated] and~~

(f) Operating a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160,

~~→the [Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than \$10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.~~

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The] provisions of this paragraph [(e) of subsection 1] apply to an owner or other principal responsible for the operation of the medical facility.~~

~~[5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.]—~~

NRS 637.153 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a dispensing optician or apprentice dispensing optician, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Board shall reinstate a license as a dispensing optician or apprentice dispensing optician that has been suspended by a district court pursuant to [NRS 425.540](#) if the Board receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by [1997, 2139](#); A [2005, 2807](#))

This section revised and moved from under the “Prohibited Acts” heading to allow a person to file a complaint about any violation of this chapter, and not just unlicensed activity.

Complaints

1. Any member of the public, member of the Board, or employee of the Board, may file a complaint with the Board if the person has knowledge that a violation of this Chapter, or any regulation enacted pursuant to this Chapter, may have taken place or is about to take place. The complaint must:

- (a) Be submitted on a form and in a manner prescribed by the Board;*
- (b) Set forth any relevant facts that would constitute a violation of one or more provisions of this Chapter or any regulation adopted pursuant to this Chapter;*
- (c) Be signed and verified by the person making the complaint.*

This section revised to encompass investigations of any violation of this chapter and to consolidate and simplify provisions related to subpoenas, oaths, and hearings.

NRS 637.154 ~~Investigations of licensee; acceptance of gifts, grants and donations to carry out investigations; subpoenas; hearings~~

~~1. [To the extent that money is available for that purpose, the]~~ *The Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license, in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings, and examine witnesses in carrying out its duties pursuant to this chapter.*

~~2. [The]~~ *For the purposes of this chapter, any member of the Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section, administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books, papers, and documents, and any other articles related to the practice of ophthalmic dispensing.*

3. If any person fails to comply with the subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person must be dealt with as for contempt of court.

The following two sections revised and consolidated into 637.150 to simplify and improve organization of statute.

~~NRS 637.155—Hearing required after receipt of report of certain violations of Industrial Insurance Act. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing to consider the report must be held within 30 days after receiving the report.~~

~~—(Added to NRS by 1993, 791)~~

~~NRS 637.170—Reinstatement of revoked license; fee.~~

~~—1.—Any licensee whose license was revoked by the Board may apply for reinstatement of the license pursuant to the provisions of chapter 622A of NRS.~~

~~—2.—In addition to the requirements for reinstatement of the license pursuant to chapter 622A of NRS, the Board may reinstate the license upon the applicant's payment of a fee set by the Board to cover the administrative costs of any investigation and hearing.~~

~~—[Part 5:216:1951; R 1953, 554; new section added 1953, 554]—(NRS A 1975, 550; 1979, 1199; 1987, 607; 1989, 914; 2003, 2017; 2005, 772)~~

MISCELLANEOUS PROVISIONS

This sole provision under “miscellaneous provisions” has been combined into 637.200, to clarify the unlawful act of violating the expiration date on a prescription.

~~NRS 637.175—Expiration of prescriptions.—A prescription received by a dispensing optician shall be deemed to have an expiration date of 2 years after the date the prescription was issued unless the practitioner who wrote the prescription includes on the prescription a different period.~~

~~—(Added to NRS by 2007, 1239)~~

PROHIBITED ACTS; PENALTIES; ENFORCEMENT

The following two sections combined for concision and clarity and to make discipline against employers and employees consistent.

NRS 637.181 ~~Investigation of~~ unlicensed activity; issuance of order to cease and desist; *citations*; administrative fine; ~~retention of complaints.~~

Notwithstanding the provisions of chapter 622A of NRS []:

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

~~(a) Made in writing; and~~

~~(b) Signed and verified by the person filing the complaint.~~

~~2. If~~ , if the Board determines that *a person who is not licensed pursuant to this Chapter:*

(a) Has engaged ~~is engaging~~ in an activity for which a license is required pursuant to this chapter, *or*

(b) Violated, or employed a person who, in the course of his or her employment, violated any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section, the Board [] may:

~~[(a) Shall issue]~~

1. Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

~~[(b) May, after notice and opportunity for a hearing, impose upon]~~

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this section.

3. Assess against the person an administrative fine of not more than \$10,000 ~~[]~~ *for each separate violation.* The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[(3) An administrative fine imposed pursuant to this section is in addition to]~~

4. Impose any ~~[(other penalty provided in this chapter.)]~~

~~4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.] combination of the penalties set forth in subsections 1, 2 and 3.~~

~~NRS 637.183—Administrative fine for violation of provisions governing employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants.~~

- ~~—1. The Board may impose an administrative fine against a person who is not licensed pursuant to the provisions of this chapter if:~~
- ~~—(a) The person violates any provision of [NRS 637.125](#) or any regulation adopted by the Board to carry out the provisions of that section; or~~
- ~~—(b) The person employs a dispensing optician, apprentice dispensing optician or other person and the dispensing optician, apprentice dispensing optician or other person, in the course of his or her employment or apprenticeship, violates any provision of [NRS 637.125](#) or any regulation adopted by the Board to carry out the provisions of that section.~~
- ~~—2. The Board may impose a separate administrative fine against the person for each act that constitutes a separate violation.~~
- ~~—3. In the first administrative proceeding brought against the person pursuant to this section, the Board may impose, for each act that constitutes a separate violation, an administrative fine of not more than \$1,000.~~
- ~~—4. In the second and any subsequent administrative proceeding brought against the person pursuant to this section, the Board may impose, for each act that constitutes a separate violation, an administrative fine of not more than \$5,000.~~
- ~~—(Added to NRS by [2003, 2011](#))~~

NRS 637.185 Injunctive relief. Whenever any person has engaged in any act or practice which constitutes an offense under this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the act or practice. A proceeding under this section is governed by [Rule 65](#) of the Nevada Rules of Civil Procedure.

(Added to NRS by [1979, 1201](#))

New provision needed to address persons calling themselves “opticians” without the proper licensure or with an expired license.

NRS 637.200 Unlawful acts. The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#):

1. ***Holding oneself out to the public, either in speech or writing, to be an optician, dispensing optician, or apprentice dispensing optician, without holding a valid, active license issued pursuant to this Chapter.***
- ~~1.~~ **2.** The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.
- ~~2.~~ **3.** Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.
- ~~—3.—4.~~ **4.** Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.
- ~~—4.~~ **5.** Changing the prescription of a lens without an order from a person licensed to issue such a prescription.
- ~~—5.~~ **6.** Filling a prescription ~~for a contact lens~~ in violation of the expiration date, ***or, in the case of a prescription for a contact lens, in violation of the*** number of refills specified by the prescription. ***A prescription shall be deemed to have an expiration date of 2 years after the date the prescription was issued unless the practitioner who wrote the prescription includes on the prescription a different period.***
- ~~—6.—7.~~ **7.** Violating any provision of this chapter.

[12:216:1951]—(NRS A [1967, 642](#); [1979, 1200](#); [1997, 1258](#); [2013, 1000](#))