

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

**LCB FILE NO. R067-23I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 09/18/2023**

NAC CHAPTER 637 - DISPENSING OPTICIANS  
DRAFT REGULATIONS (9.15.23)

**GENERAL PROVISIONS**

NAC 637.001 Definitions. (~~NRS 637.07020~~) As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~NAC 637.003~~ *New Section 1* to 637.008, inclusive, have the meanings ascribed to them in those sections.

**Rationale:** remove provision redundant to NRS 637.021

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

**Rationale:** remove provision in conflict with Sec. 14 of AB 415

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

**Rationale:** move all definitions under General Provisions for organization/clarity

**New Section 1:** Definition of Ophthalmic Product

*“Ophthalmic product” defined. “Ophthalmic product” means 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:*

- (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.*

**Rationale:** clarity

NAC 637.007 “Hour of continuing education” defined. (~~NRS 637.070~~) “Hour of continuing education” means 50 minutes of instruction devoted to a program of continuing education ~~that is related to the practice of ophthalmic dispensing as described in NAC 637.190.~~

**Rationale:** clarity

NAC 637.008 “Hour of training and experience” defined. (~~NRS 637.070~~) “Hour of training and experience” means 50 minutes of ~~instruction devoted to a program of~~ training and experience ~~that is related to the practice of ophthalmic dispensing as described in (New Section 7: Appr Training and Supv)~~

**Rationale:** term “business engaged in ophthalmic dispensing” amended in Sec. 24 of AB 415 to “optical establishment”; all provision related to management will be revised and reorganized under new “OPTICAL ESTABLISHMENTS” heading

~~—NAC 637.009—“Manage a business engaged in ophthalmic dispensing” interpreted. (NRS 637.070, 637.090) As used in this chapter and NRS 637.090, the Board will interpret the term “manage a business engaged in ophthalmic dispensing to mean having the responsibility for ophthalmic dispensing and having direct supervisory responsibility for employees who engage in ophthalmic dispensing, including employees who are not licensed pursuant to this chapter and chapter 637 of NRS, at a single place of business.~~

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

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

2. Construed as being in harmony with the provisions of [chapter 637](#) of NRS.

**Rationale: clarity**

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

**Rationale:** reorganize sole remaining provision under BOARD OF DISPENSING OPTICIANS heading under GENERAL PROVISIONS heading; revise text to remove unnecessary or redundant provisions; change officer elections to coincide with beginning of fiscal year, congruent with Sec. 18 of AB 415

**Board Meetings and Officers. (NRS 637.040, 637.070)**

*1. The Board will elect officers at its first regular meeting of each fiscal year. The term of office is 1 year.*

*2. Robert’s Rules of Order govern the general conduct of meetings of the Board when not otherwise prescribed by law. Persons who willfully disrupt meetings may be removed.*

**Rationale:** Remove unnecessary section heading and move remaining provisions under GENERAL PROVISIONS

~~BOARD OF DISPENSING OPTICIANS~~

**Rationale:** provisions revised and moved under GENERAL PROVISIONS

~~—NAC 637.100—Officers. (NRS 637.040, 637.070)~~

~~—1. The Board will elect its officers at its first regular or special meeting after October 1 of each year.~~

~~—2. The term of office is 1 year.~~

**Rationale:** remove redundant or unnecessary provisions; reorganize remaining provisions under GENERAL PROVISIONS

~~—NAC 637.110—Meetings. (NRS 637.050, 637.070)~~

~~—1. A majority vote of a quorum of the Board is necessary to conduct business.~~

~~—2. Robert’s Rules of Order govern the general conduct of meetings of the Board when not otherwise provided by these rules or by law. Persons who willfully disrupt meetings may be removed.~~

~~—3.— Special meetings may be called by the President of the Board on his or her own motion or by written consent of two or more other Board members.~~

**Rationale:** provision redundant to Sec. 19 of AB 415

~~—NAC 637.120— Salary of members. (NRS 637.045, 637.070)— Each member of the Board is entitled to receive a salary of \$150 per day while engaged in the business of the Board, including, without limitation, a meeting conducted pursuant to [NAC 637.110](#) and a proceeding conducted pursuant to [NAC 637.310](#) to [637.700](#), inclusive.~~

**Rationale:** Reorganize all provisions related to workplaces under new “Optical Establishments” section heading.

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

~~—1.— The Board may inspect the place of dispensing of a licensee to ensure compliance with the provisions of this chapter and [chapter 637](#) of NRS. This authority extends to any member of the Board and its authorized employees and designees.~~

~~—2.— A licensee shall provide access to facilitate an inspection initiated pursuant to subsection 1.~~

~~—3.— Failure to cooperate with an inspection conducted pursuant to this section constitutes grounds for disciplinary action pursuant to [NRS 637.150](#).~~

~~—4.— If the Board, its members or authorized employees or designees note one or more violations of this chapter or [chapter 637](#) of NRS as a result of the inspection, the Board may initiate disciplinary action against one or more licensees in accordance with the provisions of this chapter and [chapters 233B](#), [622A](#) and [637](#) of NRS.~~

**Rationale:** remove provisions redundant to Sec. 30 of AB 415

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

## LICENSING

**Rationale:** remove provisions redundant to Sec. 13 of AB 415; limited licenses no longer issued and do not need to be addressed separately except for very particular instances in the chapter

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

~~—1.— “Dispensing optician” means a person who holds a license as a dispensing optician pursuant to [NRS 637.120](#); and~~

~~—2.— “Dispensing optician with a limited license” means a person who holds a limited license as a dispensing optician pursuant to [NRS 637.121](#).~~

**Rationale:** Provisions related to “Special Licenses” repealed in NRS and consolidated into NRS 637.100 (Sec. 25 of AB 415); all licensing requirements for dispensing opticians will be consolidated into NAC 637.150

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

~~—1.—The requirement of passing an examination administered by the Board set forth in paragraph (i) of subsection 1 of NRS 637.127 to mean that the applicant must pass the Board’s examination for a license as a dispensing optician set forth in NAC 637.160.~~

~~—2.—The requirement of 5 years of experience as a dispensing optician set forth in subparagraph (2) of paragraph (j) of subsection 1 of NRS 637.127 to include as a portion thereof the requirement of 100 hours of experience relating to the fitting and filling of prescriptions for contact lenses set forth in subsection 1 of NAC 637.148.~~

**Rationale:** remove/streamline unnecessary language related to laboratory personnel and move provisions under OPTICAL ESTABLISHMENTS section; reorganize definition of “ophthalmic products” under GENERAL PROVISIONS with other definitions

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

~~—1.—Except as otherwise provided by specific statute, a person who does not hold a license as a dispensing optician, a limited license as a dispensing optician or a license as an apprentice dispensing optician shall not provide 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 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) (c) 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.~~

**Rationale:** provisions related to managing optical establishments revised and reorganized under OPTICAL ESTABLISHMENTS section heading

~~—NAC 637.144—Requirements for managing ophthalmic dispensing. (NRS 637.070, 637.090)~~

~~—1.—An ophthalmic manager:~~

~~—(a) Must be a dispensing optician or a dispensing optician with a limited license;~~

~~—(b) Is responsible for supervising the ophthalmic dispensing and the consulting on optical fashions conducted at a business engaged in ophthalmic dispensing; and~~

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

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

~~—3. The ophthalmic manager and the business manager may be the same person. The ophthalmic manager must be in charge of the ophthalmic dispensing area and have ultimate authority with respect to any matter relating to ophthalmic dispensing governed by the provisions of this chapter or [chapter 637](#) of NRS, and the decision of the ophthalmic manager with respect to any such matter may not be superseded by the business manager. If the business manager is not the ophthalmic manager, the business manager may not make decisions concerning ophthalmic dispensing but may make other business decisions.~~

~~—4. An apprentice dispensing optician shall not:~~

~~—(a) Act as an ophthalmic manager or a business manager; or~~

~~—(b) Under any circumstances have any authority to, or act in such a manner as to, supersede the authority or any decision of a dispensing optician or a dispensing optician with a limited license.~~

**Rationale:** remove inflexible and unnecessary provisions related to contact lens training; combine contact lens training hours with other training requirements in New Section 7 (Appr. Train.)

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

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

**Rationale:** new section added pursuant to Sec. 8(1) and (3) of AB 415

**New Section 2:** Application for License as an Apprentice Dispensing Optician

*1. An application for a license as an apprentice dispensing optician must be submitted in a form and manner prescribed by the Board and must include, without limitation:*

*(a) Proof the applicant meets the requirements of NRS 637 (Sec. 7 of AB 415)*

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

*(c) A statement indicating whether the applicant has had disciplinary action taken or initiated against a professional license in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the disciplinary action and, if requested by the Board, submit to a background check.*

*(d) 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.*

*(e) A sworn statement by the applicant and the licensed optician, optometrist, or ophthalmologist who will act as the applicant's supervisor of record pursuant to NAC (New Section 8(1))*

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

*2. The submission of false or misleading statements, information, or documents or the failure to provide information required as part of the application is sufficient cause for the Board to reject the application or revoke the license of an apprentice dispensing optician.*

*3. The Executive Director or authorized employee or designee of the Board may review and approve or deny applications for a license pursuant to the terms of this section and in accordance with any policies adopted by the Board.*

**Rationale:** streamline and clarify licensing requirements in accordance with Sec. 25 of AB 415

NAC 637.150 Application *for license as a dispensing optician* ~~for examination: Contents;~~ training and experience required for certain applicants; fees. ([NRS 637.070](#), [637.100](#), [637.110](#))

1. An application for ~~an examination required to obtain~~ a license as a dispensing optician pursuant to [NRS 637.12000](#) must be ~~made to the Board on forms provided~~ *submitted in a form and manner prescribed* by the Board *and must include, without limitation:*

~~—2.— The applicant must provide with the application:~~

(a) Proof ~~that he or she~~ *the applicant* has met the requirements set forth in [NRS 637.100](#).

(b) *If applicable pursuant to NRS 637.100(1)(c), proof the applicant has met the requirements set forth in (New Secs. 6 and 7 – Appr Edu and Train Reqs.)*

~~(b)~~ (c) Three letters concerning his or her character from references, one of which must be from a dispensing optician or a person who has worked in the optical industry with the applicant.

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

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

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

~~—(f)—~~ (e) A statement indicating whether ~~he or she~~ *the applicant* 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) Proof that the applicant has accurately and correctly neutralized the prescriptions of not less than 100 pairs of prescription spectacles.~~

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

~~3. 2.~~ For the purposes of paragraph ~~(e)~~ *(b)* 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. *if the applicant:*

*(a) Has received a general equivalency diploma from an institution recognized by the U.S. Department of Education, or*

*(b) Has graduated from a foreign secondary school and has demonstrated to the satisfaction of the Board that the education is authentic and comparable to an accredited U.S. high school education.*

~~—4.—An applicant who has successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board must obtain the required 1,000 hours of training and experience.~~

~~—5.—3.~~ The submission of false or misleading statements, *information, or documents on the application filed with the Board* or the failure to provide information required ~~on any form as part of the application~~ *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.~~

*4. The Executive Director or authorized employee or designee of the Board may review and approve or deny applications for a license pursuant to the terms of this section and in accordance with any policies adopted by the Board.*

**Rationale:** revise provisions related to exams/certificates in accordance with Secs. 8(2) and 25 of AB 415

NAC 637.160 Scope, content and administration of examination. ([NRS 637.070](#), [637.100](#), [637.110](#))

1. ~~The Board's~~ *An* examination for a license as a dispensing optician *prescribed or adopted by the Board pursuant to NRS 637.070* ~~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 *pursuant to NRS 637.121* ~~as a dispensing optician in good standing, the Board may modify the examination described in this section to~~ *the exam prescribed or adopted by the Board* will test the applicant's proficiency and knowledge in the following subjects:

- (a) Neutralization of ophthalmic products;



- (b) Instrumentation and fitting;
- (c) Basic contact lens; *and*
- (d) The provisions of this chapter and chapter 637 of NRS; ~~and~~

~~(e) Slide identification.~~

*3. The Board may review the contents of a prescribed, adopted, or proposed exam pursuant to NRS 241.030, and prescribe, adopt, or rescind any exam or certificate as a requirement for licensure as a dispensing optician at a meeting of the Board.*

~~4. The Board may employ others to assist in administering the examination. If the Board prescribes a certificate as a requirement for licensure, the certificate must be valid and current according to the issuing body at the time an applicant is issued a license by the Board.~~

**Rationale:** new section added pursuant to Sec. 8(5) of AB 415

**New Section 3:** Terms of License Renewal for Apprentices; Limitations on Renewal; Request for Extension

*1. A license as an apprentice dispensing optician expires on January 31 unless renewed. An application for renewal of the license must be submitted in a form and manner approved by the Board and must include, without limitation:*

*(a) If the apprentice will have been licensed 6 months or longer on January 31 and has not already submitted such evidence to the Board, the evidence of enrollment or completion of a program of education required pursuant to 637.285(1); and*

*(b) Any changes to the apprentice's employer, business address, or supervisor of record not previously reported to the Board.*

*2. A license as an apprentice dispensing optician that is not renewed by the submission of a complete renewal application to the Board by January 31 is delinquent. A delinquent license may be reinstated not later than 30 days after the date it became delinquent by the submission of a complete renewal application and any applicable delinquency fee.*

*3. An apprentice whose license is not renewed pursuant to subsection 1 or reinstated pursuant to subsection 2 may not reapply for licensure as an apprentice dispensing optician sooner than 1 year after the date on which the license expired.*

*4. Except as provided in Subsection 5, an apprentice license that was issued between February 1 and October 31 may be renewed not more than 3 times. An apprentice license that was issued between November 1 and January 31 may be renewed not more than 4 times. An apprentice who is not allowed to renew his or her license pursuant to this subsection may reapply for licensure as an apprentice not sooner than 1 year after the date on which the license expires.*

*4. The Board may allow one additional renewal of an apprentice license beyond those allowed by Subsection 4 if the apprentice submits a request, in a form and manner prescribed by the Board, not later than 90 days before the final expiration date of the license pursuant to Subsection 3. The request must demonstrate to the satisfaction of the Board that:*

*(a) The apprentice was unable to complete the education and training requirements in (New Secs. 6 and 7: Appr Edu and Training) due to circumstances that were emergent or unforeseeable or otherwise outside the control of the apprentice; and*

*(b) If granted, the apprentice could reasonably complete any remaining education and training requirements in (New Secs. 6 and 7) within the time allowed by the additional renewal of the license.*

*5. An apprentice who makes any false statement or representation to the Board on an application for the renewal of a license or a request pursuant to Subsection 4 is subject to discipline pursuant to NRS 637.150.*

*6. The Executive Director or authorized employee or designee of the Board may review and approve or deny applications for the renewal of a license pursuant to the terms of this section and in accordance with any policies adopted by the Board.*

**Rationale:** new section added pursuant to Sec. 8(4) of AB 415

**New Section 4:** License Renewal for Dispensing Opticians

*Renewal and reinstatement of a license as a dispensing optician*

*1. A license as a dispensing optician or limited license as dispensing optician expires on January 31 unless renewed. An application for renewal of such a license must be submitted in a form and manner approved by the Board and must include, without limitation:*

*(a) A statement affirming the dispensing optician has completed the continuing education required pursuant to 637.190(1). The statement must include, for each course completed, the title of the course, the date on which it was completed, the number of credit hours given for the course, and whether the course is approved by the Board for contact lens instruction;*

*(b) Any changes to the dispensing optician's employer or business address not previously reported to the Board.*

*2. A license as a dispensing optician or limited license as a dispensing optician that is not renewed by the submission of a complete renewal application to the Board by January 31 is delinquent. A delinquent license may be reinstated by the submission of a complete renewal application, including any applicable delinquency fees, not later than 1 year after the date on which it became delinquent.*

*3. A dispensing optician who makes any false statement or representation to the Board on an application for renewal of a license is subject to discipline pursuant to NRS 637.150.*

*4. The Executive Director or authorized employee or designee of the Board may review and approve or deny applications for the renewal of a license pursuant to the terms of this section and in accordance with any policies adopted by the Board.*

**Rationale:** new section added pursuant to Sec. 8(6) of AB 415

**New Section 5:** Inactivation and reactivation of a license as a dispensing optician

*1. A dispensing optician who holds a license in good standing may have the license inactivated if he or she submits a request in a form and manner prescribed by the Board, and the required fee.*

*2. A dispensing optician who holds an inactivated license:*

*(a) Will retain the inactive license for a term of 5 years, unless the licensee renews the inactive status of the license pursuant to Subsection d or reactivates the license pursuant to Subsection e;*

*(b) Is not required to renew the license pursuant to (New Section 4: Lic Renew for Disp Opts) or obtain the continuing education hours required pursuant to 637.190 while the license is inactive;*

*(c) May not perform any act for which a license is required pursuant to NRS 637 or NAC 637 while the license is inactive;*

*(d) May renew the inactive status of the license for a second consecutive 5-year term by submitting a request in a form and manner prescribed by the Board and any required fee; and*

*(e) May reactivate the license by submitting an application and fee to renew the license for the current year pursuant to (New Section 4) and any continuing education credits required pursuant to NAC 637.190, except that the continuing education credits may have been obtained after December 31.*

*3. A license may not remain inactive beyond a second consecutive 5-year term, except that if the dispensing optician reactivates the license pursuant to Subsection 2e, the license may be inactivated again at a later time pursuant to subsection 1;*

*4. An inactive license that is not renewed for a second consecutive 5-year term pursuant to subsection 2 or reactivated pursuant to subsection 1e, before the end of its current term of inactivation, expires and may not be reinstated.*

*5. The Executive Director or authorized employee or designee of the Board may review and approve or deny requests for the inactivation, renewal of inactive status, or reactivation of a license pursuant to the terms of this section and in accordance with any policies adopted by the Board.*

**Rationale:** provisions revised and reorganized for clarity and pursuant to Sec. 8(4) of AB 415

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

~~1. Except as otherwise provided in subsection 4, a statement affirming that a dispensing optician or a dispensing optician with a limited license has completed the required hours of continuing education must be submitted to the Board at the time of license renewal. The dispensing optician or dispensing optician with a limited license must:~~

~~—(a) Sign the statement; and~~

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

~~—(1) Name of the course;~~

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

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

*1. To qualify for license renewal pursuant to (New Section 4: Lic Renew for Disp Opts):*

*(a) A dispensing optician licensed pursuant to NRS 637.100 shall complete 14 hours of continuing education not later than December 31 of each year, except that the licensee may receive up to 7 hours of credit for courses completed by December 31 of the previous calendar year. At least 7 of the required 14 hours of continuing education must be approved by the Board for instruction related to fitting contact lenses;*

*(b) A dispensing optician with a limited license pursuant to NRS 637.121 shall complete 12 hours of continuing education not later the December 31 of each year, except that the licensee may receive up to 6 hours of credit for courses completed by December 31 of the previous calendar year.*

*2. A licensee is not required to complete the hours of continuing education described in Subsection (1)(a) for the first renewal of the license.*

*3. The requirements for continuing education may be satisfied through any combination of live courses, self-study courses and courses offered over the Internet, except that a licensee may not receive credit for the same course more than once every 3 years.*

*4. A dispensing optician who reactivates an inactive license pursuant to (New Sec. 5(2)(e)), may resubmit any continuing education credits submitted to the Board at the time the license was reactivated with the next renewal of the license, provided the credits meet the requirements of Subsection 1.*

*5. A licensee must retain a copy of the certificate of completion for each course of continuing education submitted with the licensee's renewal application pursuant to (New Section 4) for 3 years after the date the application is submitted to the Board, and must submit the copies to the Board upon request. A licensee who fails to complete the required hours of continuing education or who makes any false statement or representation to the Board regarding the completion of hours of continuing education is subject to discipline pursuant to [NRS 637.150](#).*

**Rationale:** provisions revised and reorganized for clarity and pursuant to Sec. 8(7) of AB 415

NAC 637.200 Continuing education: Subjects; approval of and credit for courses; ~~minimum hours~~; credit for community service.-([NRS 637.070](#), [637.121](#), [637.135](#))

1. Subjects for continuing education in ophthalmic dispensing include:
  - (a) Mechanical and geometric optics;
  - (b) The measurement, fitting and adapting of eyeglasses, contact lenses and optical prosthetics;
  - (c) Optical materials and their design and uses as visual aids;
  - (d) The nature and properties of light and its refraction by lenses;
  - (e) The anatomy and physiology of the eye and its appendages;
  - (f) The principles of management relating to ophthalmic dispensing;
  - (g) The principles of ophthalmic dispensing and the wearing of contact lenses related to ophthalmology and optometry;
  - (h) Refractometry;
  - (i) Anatomy, physiology and health of the eye;
  - (j) Ethics in ophthalmic dispensing;
  - (k) Ophthalmic products;
  - (l) Cardiopulmonary resuscitation training; and
  - (m) The provisions of this chapter and [chapter 637](#) of NRS.
2. Except as otherwise provided in subsection 3, the Board will approve each course of continuing education and determine the number of credits to be given for each course. A sponsor of a course shall submit to the Board an outline of the course, and any other related materials that the Board may require, ~~for approval of the course before the course is offered.~~
3. The Board may deem approved those courses of continuing education:
  - (a) Approved for credit by an accrediting organization recognized and approved by the Board; or
  - (b) Provided by a sponsor or organization that has been approved by the Board.
4. A licensee is not entitled to receive credit for a course of continuing education unless the course is approved by the Board. A licensee may seek approval of a course ~~before attending the course to receive credit towards his or her hours of continuing education~~ by submitting to the

Board an outline of the course and any other related materials that the Board may require *at least 90 days prior to the date the course is submitted for credit towards renewal of the license.*

~~5. A licensee may not receive credit towards his or her hours of continuing education for a specific course of continuing education more than once every 3 years.~~

~~—6.—A dispensing optician or dispensing optician with a limited license may satisfy the requirements for continuing education through any combination of live courses, self-study courses and courses offered over the Internet.~~

~~—7.—A dispensing optician with a limited license shall complete at least 12 hours of continuing education by not later than December 31 of each year. The dispensing optician with a limited license is entitled to receive credit for not more than 6 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.~~

~~—8.—A dispensing optician shall complete at least 14 hours of continuing education not later than December 31 of each year, including 7 hours of instruction related to the practice and theory of fitting contact lenses. The dispensing optician is entitled to receive credit for not more than 7 additional hours of continuing education completed during a year and may apply those hours of continuing education to the requirement for continuing education for the following year.~~

~~—9.—A dispensing optician or dispensing optician with a limited license who completes additional hours of continuing education pursuant to subsection 7 or 8, as applicable, may not submit to the Board the certificate of completion for each course in which those additional hours of continuing education were completed unless he or she is required to do so pursuant to [NAC 637.190](#).~~

~~—10.—A dispensing optician or dispensing optician with a limited license may receive credit for not more than 4 hours of continuing education each year for community service time spent providing dispensing optician services. Such credit:~~

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

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

*A licensee may receive credit for up to 4 hours of continuing education each year for community service providing ophthalmic dispensing services. Such credit:*

*(a) Must be evidenced to the Board in a form and manner prescribed by the Board;*

*(b) Subject to the limit of 4 hours, will be credited on an hour-for-hour basis;*

*(c) May not be applied towards the contact lens hours required pursuant to [NAC 637.190\(1\)\(a\)](#) unless the licensee fitted and dispensed contact lenses during the community service.*

**Rationale:** provisions revised and reorganized under New Sec. 5

~~—[NAC 637.215](#)—Transfer of license to inactive list; renewal of inactive status; reactivation of license. ([NRS 637.070](#), [637.121](#), [637.140](#))—The holder of a license as a dispensing optician or a limited license as a dispensing optician who has paid the fee for the transfer of the license to an inactive list as set forth in [NAC 637.220](#):~~

~~—1.—Will remain on the inactive list for a period of 5 years, unless the holder of the license renews his or her inactive status pursuant to subsection 3 or reactivates the license pursuant to subsection 4.~~

~~—2.—Is not required to obtain the credits for continuing education required for the holder of an equivalent license that is on active status.~~

- ~~—3.— May renew his or her inactive status for a second 5-year period. To renew his or her inactive status, the holder of the license must submit to the Board a written notice of extension.~~
- ~~—4.— May reactivate his or her license by:~~
  - ~~—(a) Submitting a letter to the Board requesting the reactivation of the license;~~
  - ~~—(b) Obtaining, within the 12 months immediately preceding the submission of the letter requesting reactivation of the license:
 
    - ~~—(1) If the holder is a dispensing optician, 14 hours of continuing education credits, as required pursuant to [NAC 637.200](#); or~~
    - ~~—(2) If the holder is a dispensing optician with a limited license, 12 hours of continuing education credits, as required pursuant to [NAC 637.200](#);~~~~
  - ~~—(c) Submitting an application for the renewal of a license; and~~
  - ~~—(d) Paying the fee for reactivation of the license as set forth in [NAC 637.220](#).~~

**Rationale:** provisions revised and reorganized under New Sec. 4

- ~~—NAC 637.218— Reinstatement of expired license. ([NRS 637.070](#), [637.121](#), [637.140](#))— A dispensing optician who fails to renew his or her license or limited license before the license or limited license expires on January 31 of each year may have the license or limited license reinstated if the dispensing optician:
 
  - ~~—1.— Applies for reinstatement within 2 years of the expiration of the license or limited license;~~
  - ~~—2.— Provides proof of completion of any required continuing education;~~
  - ~~—3.— Pays any renewal fee set forth in [NAC 637.220](#) that is not waived; and~~
  - ~~—4.— Pays the delinquency fee set forth in [NAC 637.220](#).~~~~

**Rationale:** all fees for licensure consolidated in a single section, pursuant to Sec. 9 or AB 415

~~NAC 637.220 Fees for renewal, reinstatement, transfer and reactivation of license; waiver of renewal fee for first renewal of license. ([NRS 637.070](#), [637.121](#), [637.140](#))~~ ***Licensing Fees***

- ~~—1.— Unless waived pursuant to subsection 2, the fee for the annual renewal of a:
 
    - ~~—(a) License as a dispensing optician is \$300.~~
    - ~~—(b) Limited license as a dispensing optician is \$200.~~~~
  - ~~—2.— The Board will waive the annual renewal fee set forth in subsection 1 for:
 
    - ~~—(a) The first renewal if the initial license or limited license was issued 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.~~~~
  - ~~—3.— 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.— 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.— The fee for the reactivation of a:
 
    - ~~—(a) License as a dispensing optician is \$300.~~
    - ~~—(b) Limited license as a dispensing optician is \$200.~~~~
- 1. The Board will charge the following fees:***
- (a) For an application for an initial license as an apprentice dispensing optician.....\$100***



- (b) For an application for an initial license as a dispensing optician  
.....\$150*
- (c) For the annual renewal of a license as an apprentice dispensing optician:  
.....\$100*
- (d) For the annual renewal of a license as a dispensing optician.....\$350*
- (e) For the annual renewal of a limited license as a dispensing optician.....\$200*
- (f) To reinstate a delinquent license as an apprentice dispensing optician.....\$100*
- (g) To reinstate a delinquent license as a dispensing optician.....\$300*
- (h) To reinstate a delinquent limited license as a dispensing optician.....\$200*
- (i) For the inactivation or renewal of the inactive status of a license as a dispensing optician.....\$300*

**5. The Board will waive the fee:**

*(a) Set forth in subsections 1(c) and (d) for the first renewal of a license that was issued after October 31; and*

*(b) Set forth in subsection 1(d) for the first renewal of a license that was reactivated after October 31.*

**Rationale:** remove unnecessary provision – license certificates can be printed on demand  
~~— NAC 637.225 Issuance of duplicate license. (NRS 637.070, 637.120) The Board may, upon the receipt of a written application and the payment of a fee of \$25, issue a duplicate license to the applicant.~~

**Rationale:** provisions related to contact information updated

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

1. Each licensee ~~in this State shall~~ **must** file with the Board the licensee’s home or mailing address, **email address**, and business address.

~~—2.— The Board must be notified of a change of a licensee’s home address within 30 days of such change.~~

~~—3.— The Board must be notified of a change of a licensee’s business address within 10 days of such change.~~

**2. A licensee must notify the Board of a change of the licensee’s mailing address or email address within 30 days of the change, and a change of business address within 10 days of the change, in a manner prescribed by the Board.**



**Rationale:** new section heading added pursuant to Sec. 8(1) of AB 415  
***PROGRAM OF APPRENTICESHIP***

**Rationale:** new section added pursuant to Sec. 8(1) of AB 415

**New Section 6:** Apprentice Education

*1. To qualify for licensure as a dispensing optician pursuant to NRS 637.100(1)(c), an apprentice dispensing optician must complete an education program approved by the Board that provides instruction on the following topics:*

- (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, including 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; and*
- (f) All facets of ophthalmic dispensing procedures.*

*2. An apprentice shall, within 6 months after the date of initial licensure as an apprentice, submit evidence satisfactory to the Board, in a manner prescribed by the Board, that the apprentice:*

- (a) Is enrolled in an educational program approved by the Board; or*
- (b) Has previously completed an educational program approved by the Board or other education program commensurate with the program approved by the Board;*

*3. The Board or an authorized employee or designee of the Board, may inactivate the license of an apprentice who fails to submit the evidence required by Subsection 2 within the allotted 6 months, and will notify the apprentice of such action. An apprentice may appeal the inactivation of his or her license by submitting a written request within 30 days after the license becomes inactive. A license that has been inactivated pursuant to this section is not eligible for renewal under (New Sec. 3).*

**Rationale:** new section added pursuant to Sec. 8(1) of AB 415

**New Section 7:** Apprentice Instruction and Training

*1. To qualify for licensure as a dispensing optician pursuant to NRS 637.100(1)(c), an apprentice dispensing optician must receive instruction and training under the direct supervision of a licensed optician, optometrist, or ophthalmologist in this State while employed at an optical establishment. Such instruction must include:*

*(a) 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 comprising:*

- (i) At least 2,000 hours for an apprentice completing a 2-year apprenticeship pursuant to NRS 637.100(1)(c)(1); or*
- (ii) At least 1,000 hours for an apprentice completing a 1-year apprenticeship pursuant to NRS 637.100(c)(2);*

*(b) At least 100 hours of training and experience related to the fitting and filling of prescriptions for contact lenses, as evidenced on a form prescribed by the Board and signed by the supervisor who provided the training; and*

*(c) The accurate and correct neutralization of at least 100 pairs of prescription spectacles, as evidenced on a form prescribed by the Board and signed by the supervisor who provided the training.*

*2. The requirements of subsections 1(a) and (c) will be waived for an apprentice who currently holds a limited license as a dispensing optician pursuant to (Sec. 27 of AB 415)*

**Rationale:** new section added pursuant to Sec. 28(1-3) of AB 415

**New Section 8:** Apprentice Supervision

*1. An apprentice must keep on file with the Board a single supervisor of record who is a licensed optician, optometrist, or ophthalmologist in this State. The apprentice and supervisor of record must submit a sworn statement to the Board, on a form prescribed by the Board, to conduct the apprenticeship in accordance with all provisions of NRS Chapter 637 and NAC Chapter 637.*

*2. An apprentice's supervisor of record:*

*(a) Must be employed by the same employer at the same optical establishment as the apprentice;*

*(b) Except pursuant to subsection 3, must directly supervise all dispensing activities performed by the apprentice, pursuant to (Sec. 28 of AB 415);*

*(c) May not be the supervisor of record for more than two apprentices at any one time.*

*3. In all instances the supervisor of record is absent, a substitute supervisor who is licensed in this State must be obtained to directly supervise the apprentice dispensing optician.*

*4. When there is a permanent change of the apprentice's supervisor of record, defined as a change lasting 7 days or longer, the apprentice shall submit a new sworn statement pursuant to subsection 1 within 10 days of the change.*

*5. An apprentice may be directly supervised by any licensed dispensing optician, ophthalmologist, or optometrist in this State to complete the requirements of (New Section 7(1)(b) and (c)), except that a dispensing optician with a limited license may not provide contact lens training.*

*6. An apprentice and his or her supervisor or substitute supervisor must be able to read, write, speak and understand the English language.*

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

**Rationale:** new section heading added pursuant to Sec. 5 of AB 415 and to consolidate provisions related to business practice and management

### ***PROFESSIONAL PRACTICE AND OPTICAL ESTABLISHMENTS***

**Rationale:** new section added to consolidate and streamline provisions related to license requirements

**New Section 9:** License Required to Dispense; Laboratory Personnel

*1. Except as otherwise provided by specific statute, a person who does not hold a license issued pursuant to this Chapter and NRS Chapter 637 shall not dispense any ophthalmic products to the public.*

*2. Laboratory personnel, including, without limitation, laboratory technicians, may, without obtaining a license pursuant to this chapter and chapter 637 of NRS, perform any act to the fullest extent for which a license is not required, including, without limitation, grinding lenses or fabricating eyewear, provided such personnel provide ophthalmic products only and directly to licensed dispensing opticians, ophthalmologists, and optometrists.*

**Rationale:** new section added to update and reorganize requirements for dispensing equipment

**New Section 10:** Equipment Required for Dispensing

*1. A dispensing optician must have the following optical equipment in good working order at the place of dispensing:*

*(a) For general ophthalmic dispensing:*

*(1) A lens clock;*

*(2) A lensometer; and*

*(3) A manual or digital device that is used for taking optical measurements; and*

*(b) If the optician 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 fluorescein scope; and*

*(7) Trial contact lenses.*

*2. If any equipment may be used on more than one customer, 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.*

**Rationale:** new section added to consolidate and revise all provisions related to managing an establishment, and pursuant to Sec. 24 of AB 415

**New Section 11:** Managing an optical establishment; requirements when no dispensing optician on duty

*1. Pursuant to NRS (Sec. 24 of AB 415), each optical establishment must be managed by a licensed dispensing optician who is responsible for overseeing all aspects of ophthalmic dispensing at the establishment, including, without limitation:*

*(a) Ensuring 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;*

*(b) Maintaining a current list of all licensees who are employed at the optical establishment;*

*(c) Displaying the current license certificates of all licensed employees in a public and conspicuous area of the optical establishment; and*

*(d) Ensuring the optical establishment keeps a copy of each sworn statement submitted to the Board pursuant to (New Sec. 8(1)) that indicates who the supervisor of record is for each apprentice dispensing optician employed by the optical establishment.*

*2. A dispensing optician must notify the Board, in a manner prescribed by the Board, within 10 days of becoming the manager of an optical establishment. A dispensing optician may not manage more than one optical establishment.*

*3. The managing dispensing optician must be on duty during the hours the optical establishment is engaged in ophthalmic dispensing unless he or she has assigned another dispensing optician to act as a substitute manager of the establishment.*

*4. An apprentice dispensing optician shall not manage an optical establishment or have any authority to, or act in such a manner as to, supersede the authority or any decision of a dispensing optician or assume any type of supervisory role over a dispensing optician within an optical establishment.*

*5. A person who has supervisory authority over a person who manages a business engaged in ophthalmic dispensing and intentionally influences or attempts to influence the decisions of that person relating to ophthalmic dispensing shall be deemed to have violated the provisions of NRS 637.090.*

*6. If no dispensing optician is on duty in the optical establishment, a sign prescribed by the Board must be posted for public view at the main entrance or cashier station of the optical establishment pursuant to (Sec. 24(2) of AB 415).*

**Rationale:** new section added to consolidate and revise all provisions related to business practice under single section heading

**New Section 12:** Inspections at place of dispensing

*1. The Board may inspect the place of dispensing of a licensee to ensure compliance with the provisions of this chapter and chapter 637 of NRS. This authority extends to any member of the Board and its authorized employees and designees.*

*2. A licensee shall provide access to facilitate an inspection initiated pursuant to subsection. Failure to cooperate with an inspection conducted pursuant to this section constitutes grounds for disciplinary action pursuant to NRS 637.150.*

*4. If the Board, its members or authorized employees or designees note one or more violations of this chapter or chapter 637 of NRS as a result of the inspection, the Board may initiate disciplinary action against one or more licensees in accordance with the provisions of this chapter and chapters 233B, 622A and 637 of NRS.*

**Rationale:** new section added to consolidate all provisions related to business practice under single section heading

**New Section 13:** Advertising of ophthalmic goods and services

*1. Advertising which quotes prices of ophthalmic goods and services must include the following information:*

- (a) Whether the advertised price includes single vision or multifocal glass or plastic lenses;*
- (b) Whether the advertised price for contact lenses refers to “hard” or “soft” lenses;*
- (c) Whether the advertised price of ophthalmic goods includes all dispensing fees;*
- (d) Whether the advertised price for eyeglasses includes both frames and lenses; and*
- (e) Whether the advertised lens price includes all lens prescription powers.*

2. *Each advertisement in violation of any one of the provisions of subsection 1 is a separate offense punishable pursuant to NRS 637.150.*

~~PROFESSIONAL STANDARDS OF PRACTICE AND PENALTIES~~

**Rationale:** new section added to reorganize and update provisions related to standards for ophthalmic lenses

**New Section 14:** Adoption by reference of ANSI standards

*Adoption by reference of certain standards for prescription ophthalmic lenses*

1. *The Board hereby adopts by reference for use in this State the recommendations of the American National Standards Institute for prescription ophthalmic lenses set forth in ANSI Z80.1-2020.*

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

3. *If the Board does not, within 90 days after the publication is revised, hold a public hearing or give notice that the revision is not suitable for this State pursuant to Subsection 2, the revision becomes adopted by reference, pursuant to subsection 1.*

4. *The Board may make a determination that a revision is not suitable for this State and hold a hearing to review its determination pursuant to subsection 2 at any time before or after the revision is adopted by reference pursuant to subsection 3.*

**Rationale:** provisions streamlined and updated; provision related to unlicensed persons removed; provisions related to apprentices added; unnecessary or redundant definitions removed  
NAC 637.235 Grounds for disciplinary action: “Unethical or unprofessional conduct” interpreted. (NRS 637.070, 637.150)

1. As used in paragraph ~~(f)~~ **(h)** of subsection ~~4~~ **6** 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 or requests for sexual favors, or engaging in other speech or physical conduct of a sexual nature 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) a *dispensing optician supervisor of record* who allows an apprentice dispensing optician whom the *supervisor of record dispensing optician* directly supervises to perform any task:

- (a) (1) For which the apprentice dispensing optician is not trained;
- (b) (2) Which is outside the scope of practice of an apprentice dispensing optician; or
- (c) (3) Without the direct supervision of the *supervisor of record dispensing optician; and*

(b) *An apprentice dispensing optician who performs any task for which a license is required pursuant to this Chapter and NRS Chapter 637:*

(1) *Without the direct supervision of a licensed dispensing optician, optometrist, or ophthalmologist; or*

(2) *In violation of or contrary to express instructions given by a dispensing optician, optometrist, or ophthalmologist who is supervising the apprentice.*

~~—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.~~

**Rationale:** new section added pursuant to Secs. 11, 12 and 31(2) of AB 415

**New Section 15:** Citations and schedule of administrative fines.

1. *If the Executive Director or authorized employee or designee of the Board has reason to believe a person has violated any provision of this chapter or chapter 637 of NRS, the Executive Director or authorized employee or designee may issue a citation to the person in accordance with the provisions of (Sec. 11 of AB 415).*

2. *The Board adopts the following schedule of administrative fines for an administrative citation issued pursuant to subsection 1:*

(a) *Dispensing Opticians and Apprentice Dispensing Opticians:*

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>Failure to notify the Board of a change of address pursuant to NAC 637.230</i>	<i>100</i>	<i>200</i>	<i>500</i>
<i>Failure to notify the Board of a change of supervisor of record pursuant New Sec. 8(4)</i>	<i>100</i>	<i>200</i>	<i>500</i>
<i>Failure to post license certificate in a conspicuous manner pursuant to New Sec. 11(1)</i>	<i>200</i>	<i>500</i>	<i>1000</i>
<i>Practicing with an expired license</i>	<i>500</i>	<i>1000</i>	<i>1500</i>



<i>Dispensing a prescription ophthalmic product that does not meet ANSI standards</i>	<i>500</i>	<i>1000</i>	<i>1500</i>
<i>Apprentice dispensing without supervision in violation of 637.125(3)</i>	<i>500</i>	<i>1000</i>	<i>1500</i>
<i>Optician supervising more than two apprentice opticians at one time in violation of 637.125(4)</i>	<i>500</i>	<i>1000</i>	<i>1500</i>
<i>Optician allowing unlicensed person to dispense in violation of 637.125(2)</i>	<i>1000</i>	<i>1500</i>	<i>2000</i>

*(b) Any person or business*

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third or Subsequent Violation</i>
<i>Selling nonprescription cosmetic or theatrical contact lenses without a license</i>	<i>100</i>	<i>500</i>	<i>1000</i>
<i>Practicing ophthalmic dispensing without a license in violation of NRS 637.181</i>	<i>1000</i>	<i>1500</i>	<i>2000</i>
<i>Employing an unlicensed person who practices ophthalmic dispensing without a license in violation of NRS 637.125</i>	<i>1000</i>	<i>1500</i>	<i>2000</i>
<i>Employing a licensed person who violates NRS 637.125(2), (3), or (4)</i>	<i>1000</i>	<i>1500</i>	<i>2000</i>
<i>Presenting oneself to the public as an optician or apprentice optician in violation of NRS 637.200(6)</i>	<i>500</i>	<i>1000</i>	<i>1500</i>
<i>Failure to provide access to facilitate an inspection in violation of New Sec. 12(2)</i>	<i>200</i>	<i>500</i>	<i>1000</i>

*2. Notwithstanding any citation or fine that may be issued pursuant to subsections 1 and 2, a person who violates a provision of this chapter or chapter 637 of NRS may be:*

- (a) Ordered to appear at a hearing before the Board; and*
- (b) Subject to penalties pursuant to NRS 637.150 and 637.181.*

**Rationale:** provision reorganized under New Sec. 11

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

**Rationale:** provisions revised and reorganized under New Sec. 14

~~—NAC 637.239—Adoption by reference of certain standards for prescription ophthalmic lenses. (NRS 637.070, 637.073)~~

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

~~—2.—If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and~~



~~give notice of that hearing within 90 days after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.~~

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

**Rationale:** provisions revised and reorganized under New Sec. 10

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

~~— 1.— A dispensing optician:~~

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

~~— (1) A lens clock;~~

~~— (2) A lensometer; and~~

~~— (3) A pupilometer.~~

~~— (b) May have such additional equipment as he or she determines necessary.~~

~~— 2.— All equipment must be in good working order.~~

**Rationale:** provisions revised and reorganized under New Sec. 10

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

~~— 1.— A slit lamp;~~

~~— 2.— A radioscope;~~

~~— 3.— A keratometer;~~

~~— 4.— A contact lens loop;~~

~~— 5.— A thickness and diameter gauge;~~

~~— 6.— A fluoresceine scope; and~~

~~— 7.— Trial lenses.~~

**Rationale:** provisions reorganized under New Sec. 13

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

~~— 1.— Advertising which quotes prices of ophthalmic goods and services must include the following information:~~

~~— (a) Whether the advertised price includes single vision or multifocal glass or plastic lenses;~~

~~— (b) Whether the advertised price for contact lenses refers to “hard” or “soft” lenses;~~

~~— (c) Whether the advertised price of ophthalmic goods includes all dispensing fees;~~

~~— (d) Whether the advertised price for eyeglasses includes both frames and lenses; and~~

~~— (e) Whether the advertised lens price includes all lens prescription powers.~~

~~— 2.— Each advertisement in violation of any one of the provisions of subsection 1 is a separate offense punishable pursuant to [NRS 637.150](#).~~

**Rationale:** all sections under this section heading revised and reorganized under LICENSING or new section heading: PROGRAM OF APPRENTICESHIP  
~~APPRENTICE DISPENSING OPTICIANS~~

**Rationale:** provisions revised and reorganized under New Sec. 2

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

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

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

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

~~— (c) — Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

~~— (d) — Is a graduate of an accredited high school or its equivalent.~~

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

~~— (a) — The date of the application for licensure.~~

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

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

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

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

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

~~— 3. — Each application must be certified under oath by the applicant and the supervising ophthalmologist, optometrist or dispensing optician.~~

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

**Rationale:** provisions revised and reorganized under New Sec. 3

~~— NAC 637.263 — Reinstatement of expired license; reapplication for licensure. ([NRS 637.070](#), [637.100](#), [637.123](#))~~

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

~~— (a) — Pays any renewal fee set forth in [NAC 637.265](#) that is not waived; and~~

~~— (b) — Pays the delinquency fee set forth in [NAC 637.265](#).~~

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

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

**Rationale:** provisions revised and reorganized under NAC 637.220

~~—NAC 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.~~

**Rationale:** provisions revised and reorganized under New Sec 8; redundant or unnecessary definitions removed

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

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

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

~~—3.—When a permanent change of supervision is made, the apprentice dispensing optician shall notify the Board, in writing, of the permanent change within 10 business days after the permanent change.~~

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

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

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

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

~~—8.—The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.~~

~~—9.—As used in this section:~~

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

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

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

—[Bd. of Dispensing Opt., No. 17.1, eff. 10-6-78; No. 17.2, eff. 11-30-79]—(NAC A 3-7-90; R042-02, 8-29-2002; R108-04, 12-1-2004; R113-06, 6-28-2006; R201-07, 4-17-2008; R043-10, 6-30-2010; R073-12, 6-3-2013; R106-14, 11-2-2016)

**Rationale:** provisions revised and reorganized under New Secs. 3 and 6; provisions related to 40-month timeline replaced with limitations on renewal of licenses, pursuant to Sec. 8(5) of AB 415

—NAC 637.285—Evidence of enrollment in educational program on theory of ophthalmic dispensing or adequate prior ophthalmic experience; inactivation of license for failure to comply; appeal of decision to inactivate; time limit for completion of program; request for extension; effect of failure to complete program. (~~NRS 637.070, 637.100~~)

—1.—An apprentice dispensing optician shall, within 6 months after the date of his or her initial licensure as an apprentice dispensing optician, submit evidence to the Board that he or she:

—(a) Is enrolled in an educational program on the theory of ophthalmic dispensing approved by the Board; or

—(b) Has received adequate prior ophthalmic experience in lieu of the completion of an educational program described in paragraph (a).

—2.—The Board will inactivate the license of an apprentice dispensing optician who fails to enroll in an educational program or fails to submit evidence of experience to the Board and within the time required by subsection 1. The Board will notify the apprentice dispensing optician of such action. The decision to inactivate the license may be appealed by the apprentice dispensing optician by submitting a written request to the Board within 30 days after the license becomes inactive.

—3.—Except as otherwise provided in subsection 4, an apprentice dispensing optician who is required to complete the educational program required by paragraph (a) of subsection 1 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.—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.~~

**Rationale:** provisions revised and reorganized under New Sec. 7

~~—NAC 637.290—Training and experience; areas of instruction. (NRS 637.070, 637.100)~~

~~—1.—An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 must receive instruction and personal supervision in the skills required in an optical establishment and in related duties during the 3 years of training required pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 637.100. Such training must include at least 2,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.~~

~~—2.—An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to NRS 637.120 and who has successfully completed a course of study in a school which offers a degree of associate of science in ophthalmic dispensing must receive at least 1,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.~~

~~—3.—The completion of one or more courses taught in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing may count toward the completion of the hours of training and experience required pursuant to subsections 1 and 2 if the courses:~~

~~—(a) Provide the apprentice dispensing optician with instruction equivalent to training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory or the performance of other duties related to ophthalmic dispensing; and~~

~~—(b) Are approved by the Board.~~

~~—4.—Upon approval by the Board, if an apprentice dispensing optician holds a limited license as a dispensing optician in good standing, the hours of training and experience that he or she received as a dispensing optician with a limited license may count towards the hours of training and experience required pursuant to subsections 1 and 2.~~

~~—5.—Areas of instruction for apprenticeship must include the following:~~

~~—(a) Ocular anatomy, physiology and refractive anomalies of the eye;~~

~~—(b) Processes of vision, especially the effect of light, lenses and prisms placed before the eye;~~

~~—(c) Theoretical optics;~~

~~—(d) Ophthalmic vocabulary;~~

~~—(e) Ophthalmic prescription interpretation, eyeglass lens and contact lens identification, fitting and adjustment of eyeglasses, and use of instruments in the analysis of eyeglass lenses and contact lenses in a practical examination;~~

~~—(f) All facets of ophthalmic dispensing procedures; and~~

~~—(g) The provisions of this chapter and [chapter 637](#) of NRS.~~

**Rationale:** provisions revised and consolidated under NAC 637.230

~~—NAC 637.300—Change of employer. (NRS 637.070, 637.100)—An amended application on a form prescribed by the Board must be submitted by an apprentice dispensing optician within 10~~

days after his or her employment changes. The Board will not approve more than 10 days of experience gained by an apprentice dispensing optician with a new employer before the amended application is received by the Board.

**Rationale:** revise heading to better reflect content of provisions  
**PRACTICE *PROCEEDINGS* BEFORE THE BOARD OF DISPENSING OPTICIANS**

**Rationale:** remove unnecessary section subheadings throughout entire section  
**General Provisions**

**Rationale:** remove redundant provision  
~~— NAC 637.310— Scope. (NRS 637.070) — NAC 637.310 to 637.700, inclusive, govern practice and procedure before the Board.~~

**Rationale:** remove outdated provision related to mailing formal documents  
~~— NAC 637.320— Communications. (NRS 637.070) — Any formal written communication, payment or document must be addressed to the Board at its office and is deemed filed or made on the date of the postmark on the envelope in which it was mailed in accordance with the provisions of NRS 238.100.~~

**Rationale:** remove provision redundant to Sec. 10 of AB 415  
~~— NAC 637.333— Authority to file complaint. (NRS 637.070) — Any member of the Board or public may file a written complaint with the Board if he or she believes:  
— 1. A licensee has violated a provision of this chapter or chapter 637 of NRS;  
— 2. An unlicensed person is engaged in activities requiring a license pursuant to the provisions of this chapter or chapter 637 of NRS; or  
— 3. A person employs a dispensing optician, apprentice dispensing optician or other person in violation of NRS 637.125.~~

**Rationale:** remove provisions redundant to Sec. 10 of AB 415; remove and revise provisions inconsistent with NRS 637.085(3); revise and consolidate provisions related to investigations of complaints

NAC 637.335 ~~Form and contents of~~ complaints *and investigations*. (NRS 637.070)

1. A complaint filed pursuant to ~~NAC 637.333~~ (Sec. 10 of AB 415) ~~must:~~  
(a) ~~Be on a form prescribed by the Board;~~  
~~(b) Be signed and verified by the person filing the complaint, under penalty of perjury; and~~  
~~(c) **Must** Include the name, address and telephone number of the person filing the complaint;~~  
*and*

*(b) Is confidential pursuant to NRS 637.085(3), unless the person submits a written statement to the Board requesting that it be made a public record.*

2. ~~The form prescribed by the Board must state that:~~  
~~(a) The person making the complaint may be required to testify at a judicial or administrative proceeding; and~~  
~~(b) The Board may send a notice and copy of the complaint to the licensee or the person who is the subject of the complaint.~~

*The Executive Director or authorized employee or designee of the Board:*

*(a) Shall review each complaint to determine whether the information, alone or taken together with other evidence, documentary or otherwise, is sufficient to require an investigation;*

*(b) May cause any complaint to be investigated; and*

*(c) May enlist the assistance of a member of the Board, authorized employee, or independent investigator in the conduct of an investigation.*

**Rationale:** remove provisions requiring executive director to draft legal documents; consolidate investigation provisions under 637.335; remove unnecessary provisions re: who may be the subject of a charging document

~~—NAC 637.337—Review and investigation of complaint; filing of charging document. ([NRS 637.070](#))~~

~~—1.—The Executive Director of the Board:~~

~~—(a) Shall review each complaint to determine whether the information, alone or taken together with other evidence, documentary or otherwise, is sufficient to require an investigation; and~~

~~—(b) May cause any complaint to be investigated.~~

~~—2.—The Executive Director may enlist the assistance of a member of the Board, in the conduct of an investigation if the Executive Director determines that such assistance is in the best interests of reaching a complete, fair and just determination of the matter.~~

~~—3.—If the Executive Director determines pursuant to an investigation that allegations of one or more violations of the provisions of this chapter or [chapter 637](#) of NRS have been substantiated, the Executive Director shall prepare a charging document in accordance with [NRS 622A.300](#). The charging document may be filed against:~~

~~—(a) A licensee who is alleged to have violated a provision of this chapter or [chapter 637](#) of NRS;~~

~~—(b) An unlicensed person who is alleged to have engaged in activities requiring a license pursuant to the provisions of this chapter or [chapter 637](#) of NRS; or~~

~~—(c) A person who is alleged to have employed a dispensing optician, apprentice dispensing optician or other person in violation of [NRS 637.125](#).~~

**Rationale:** remove unnecessary provisions addressed by other NRS chapters

**Parties**

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

~~—1.—A party in a proceeding before the Board must be called applicant, petitioner, complainant or respondent, according to the nature of the proceeding and the relationship of the party thereto.~~

~~—2.—An “applicant” is a person who is applying or petitioning for any privilege, license or authority from the Board.~~

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

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

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



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

**Rationale:** consolidate provisions related to service of process under NAC 637.470

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

**Rationale:** update provision in line with other boards' regulations

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

1. A person appearing in a proceeding before the Board shall ~~be ethical and courteous~~ *conform to all standards of ethical and courteous behavior required in the courts of this State.*
2. The Board may remove a person from a proceeding for a violation of this section.

### ~~Pleadings, Motions, Briefs and Other Papers~~

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

1. Pleadings before the Board must be called applications, petitions, charging documents, motions, briefs or answers.
2. The Board may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected at any time.
3. All pleadings will be liberally construed with a view to administering justice between the parties, and the Board or presiding officer will, at every stage of proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

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

NAC 637.450 Motions. ([NRS 637.070](#))

1. The provisions of [NRS 622A.360](#) and [622A.390](#) govern a motion which may be filed pursuant to this chapter, including, without limitation, the time for the filing of the motion.
2. A decision on a motion will be rendered without oral argument unless oral argument is requested by the Board. If oral argument is requested, the Board will set a date and time for a hearing on the motion. The Board may authorize the President of the Board or his or her designee to rule on the motion without a hearing.

**Rationale:** remove unnecessary provisions addressed by other NRS chapters

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

- ~~1. At least one copy of all pleadings, motions and briefs must be filed with the Board by mailing or delivering the copy or copies to the office of the Board.~~
- ~~2. A copy of all pleadings, motions and briefs filed with the Board must also be mailed or delivered to the Board's counsel of record in the proceeding at the same time the pleadings, motions and briefs are filed with the Board.~~

**Rationale:** consolidate all service of process provisions; remove unnecessary and vague provision related to notifying an apprentice's employer of a hearing

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

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

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

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

NAC 637.390

*4. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders must be served upon the attorney and such service is effective for all purposes upon the party represented by the attorney.*

**Rationale:** remove unnecessary provision addressed by other NRS chapters

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

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

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

~~.....  
Signature~~

Proceedings

**Rationale:** remove unnecessary provision addressed by other NRS chapters

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

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

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

**Rationale:** provisions related to delivery of decisions and orders updated; remove unnecessary provision related to additional copies

NAC 637.620 Decision by Board. (NRS 637.070)

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

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

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

**Rationale:** provisions related to petitions and orders streamlined and revised in accordance with other boards' regulations; unnecessary provisions related to drafting orders removed  
~~Declaratory Orders and Advisory Opinions~~

**Rationale:** Streamline and consolidate provisions related to petitions

NAC 637.650 Petitions *for declaratory orders and advisory opinions*. (NRS 637.070)

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

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

*2. Within 30 days of the submission of a such a petition, the Board will deny the petition in writing, stating its reasons, or initiate proceedings in accordance with NRS 233B.060, except that if the petition is received within 30 days of the next regularly scheduled meeting, the Board may review the petition at the subsequent regularly scheduled meeting.*

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

**4. A petitioner must comply with the provisions of a declaratory order or advisory opinion rendered by the Board.**

**Rationale:** Streamline and consolidate provisions into 637.650; remove unnecessary provision related to who must draft orders, consistent with other boards' regulations

~~—NAC 637.660— Procedure for consideration of petition. (NRS 637.070)~~

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

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

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

~~—(a) Taking testimony on the petition; and~~

~~—(b) Receiving evidence.~~

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

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

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

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

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

**Petitions for Adoption, Filing, Amendment or Repeal of Regulations**

**Rationale:** Streamline and clarify provisions; remove text redundant to NRS 233.B.100

~~—NAC 637.700— Format; contents; action by Board. (NRS 637.070)~~

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

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

~~(a) The name and address, **and phone number** of the petitioner;~~

(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;  
(c) The proposed language of the regulation to be adopted, filed-or amended or the existing language of the regulation to be repealed, as applicable;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation;  
and

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

~~—3.—~~**2.** The Board may refuse to act upon a petition ~~for the adoption, filing, amendment or repeal of a regulation if the petition~~ *that* does not include the information required by subsection ~~2 1.~~

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

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