

NEVADA BOARD OF DISPENSING OPTICIANS
LCB File No. R067-23

**INFORMATIONAL STATEMENT FOR ADOPTED REGULATIONS AS
REQUIRED BY NRS 233B.066**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 637:

(1) Explanation of the need for the adopted regulation:

Chapter 637 of the Nevada Revised Statutes (NRS), which governs the practice of ophthalmic dispensing and the functions of the Board of Dispensing Opticians (Board), was significantly amended via a “clean up bill” (Assembly Bill 415) during the 2023 Legislative Session. Many of the amended provisions are now incongruent with the attendant regulations contained in NAC 637. Therefore, the purposes of the proposed regulation include removing these inconsistencies, as well as creating new provisions and guidelines as required by the amended statute, including:

- Adding or revising provisions related to the issuance, renewal, reinstatement, inactivation, and reactivation of a license;
- Revising and clarifying provisions related to the management of an optical establishment and setting forth the duties of an optical manager;
- Repealing provisions related to the issuance of special licenses;
- Revising provisions related to adopting or administering exams;
- Reorganizing and revising provisions related to the program of education and training for apprentice opticians; and
- Adding provisions related to the issuance of citations.

In addition to amendments to make the regulations consistent with statute, amendments were also needed to update, reorganize, and streamline various sections of the regulation.

(2) Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, presented as conceptual amendments, were emailed with a notice of workshop and small business impact statement to the Board’s licensees and other interested parties who have requested meeting notices from the Board. Additionally, formal drafts of the regulations were emailed to these same parties along with a notice of hearing and informational statement prepared pursuant to NRS 233B.0603. These documents were also publicly posted on the Board’s website at nvbdo.nv.gov, on the Nevada Public Notice website at notice.nv.gov, on the Nevada Legislature’s website at www.leg.state.nv.us/App/Notice/A, and at the Board’s office and the Nevada State Library and Archives in Carson City. The Board hosted a regulation workshop on August 17, 2023, and a regulation hearing on November 30, 2023, to solicit public comment on the proposed regulations. Both the workshop and hearing were conducted in person in Reno and via teleconference so interested parties could attend and make comments from any location.

The Board did not receive any written responses to its solicitations for public comment but did receive two spoken comments at its regulation workshop. One commenter asked for clarification on provisions pertaining to the management of an optical establishment, specifically, which job duties could be performed by an apprentice optician under the proposed regulations. The other commentor asked for clarification on revised training requirements for apprentice opticians, and whether a requirement for 3 years of on-the-job training had been reduced to 2 years. A further summary of public comment is not available, as these were the only two comments submitted, however, this informational statement will be provided to any person who submits a request to the Board at: info@nvopticians.org.

(3) The number of persons who:

- a. Attended the August 17, 2023 Workshop: 34
Attended the November 30, 2023 Hearing: 23
- b. Testified at the August 17, 2023 Workshop: 2
Testified at the November 30, 2023 Hearing: 0
- c. Submitted written statements: 0

(4) A list of names and contact information, as provided, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified under Item 3b, above:

Kyler Lund, Licensed Optician No. 657; 9975 Eastern Ave., Ste. 100; Las Vegas, NV 89183
Deanna Peredo, Licensed Optician No. 672; 155 Damonte Ranch Pkwy.; Reno, NV 89521

(5) A description of how comment was solicited from affected businesses, a summary of their responses, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation and notices of a workshop and hearing, as described under Item 2, above, were emailed to all interested parties who have requested meeting notices from the Board. Such parties included representatives for the American Board of Opticianry (organization that provides national competency and certification exams for opticians), the Opticians Association of Nevada (professional association for Nevada opticians), the National Association of Opticians and Optometrists (national association of businesses that employ opticians and optometrists), and Ferrari Reeder Public Affairs (to the Board's last knowledge, representative for the national optical retail chain Warby Parker). The Board did not receive any written or spoken comments from these businesses at its regulation workshop or hearing.

(6) If the regulation was adopted without changes to any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Minor revisions were made to the proposed regulation at the Board's hearing on November 30, 2023, to better reflect the Board's intent as reflected in its conceptual amendments, which were presented at the regulation workshop on August 17, 2023. No revisions were made in response to public comment, as the Board did not receive any requests to amend the language as presented.

(7) The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and in each case must include:

a. Adverse and beneficial effects

The Board does not anticipate any adverse or beneficial economic effects on the businesses it is to regulate or on the public.

b. Immediate and long-term effects

The Board does not anticipate any immediate or long-term economic effects on the businesses it is to regulate or on the public.

(8) The estimated cost to the agency for enforcement of the proposed regulation.

The Board does not anticipate incurring additional costs for the enforcement of the proposed regulation.

(9) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The adopted regulation does not overlap or duplicate any regulations of other state or government agencies.

(10) If the regulation includes provisions which are more stringent than a federal regulation.

The proposed regulation does not include provisions which are more stringent than a federal regulation.

(11) If the regulation provides a new fee or increases an existing fee, the total amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation provides a \$50 increase to the fee to apply for an initial license as a dispensing optician, and a \$50 increase to the annual fee to renew a license as a dispensing optician. The total amount the agency expects to collect annually from the fee increases is approximately \$20,000, which the Board will use to offset increased operating costs, including new costs related to maintaining an online application and licensing system, and increased costs of office rent and utilities.