

**ADOPTED REGULATION OF THE
NEVADA STATE BOARD OF OPTOMETRY**

LCB File No. R101-24

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

AUTHORITY: §§ 1, 3, 8 and 20, NRS 636.125; § 2, NRS 636.0285 and 636.125; § 4, NRS 636.125, 636.206 and 636.207; § 5, NRS 636.125 and 636.394; § 6, NRS 636.125, 636.305, 636.325 and 636.338; § 7, NRS 636.120 and 636.125; §§ 9-13 and 21, NRS 636.125, 636.302 and 636.380; § 14, NRS 636.125, 636.346 and 636.360; § 15, NRS 636.125 and 636.350; § 16, NRS 636.125, 636.325 and 636.338; § 17, NRS 636.125 and 636.387; § 18, NRS 636.125 and 636.143; § 19, NRS 636.125 and 636.260.

A REGULATION relating to optometry; imposing certain limitations relating to procedures performed by certain students and residents; providing that a license to practice optometry is a revocable privilege; interpreting the term “malpractice” as it relates to certain licensing; requiring a licensee to complete certain tasks immediately before or during the provision of services through optometric telemedicine; making revisions concerning the imposition of disciplinary action; requiring the Nevada State Board of Optometry to keep certain information confidential; revising requirements governing advertising; providing that an optometrist may be disciplined for the actions of an employee; revising requirements governing the posting of certain information; revising the procedures for the submission of certain information to the Board; revising the required contents of certain prescriptions; establishing the fee for a legal name change; revising the types of courses eligible for approval as continuing education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures which constitute the practice of optometry in the physical presence of an optometrist or ophthalmologist. (NRS 636.0285) **Section 2** of this regulation limits such authorization to include only procedures that are within the scope of practice of that optometrist or ophthalmologist.

Existing law authorizes certain persons engaged in a residency program for optometry to care for a patient outside the presence of an optometrist or ophthalmologist in an emergency if

the person first consults with certain optometrists or ophthalmologists concerning the care to be provided to the patient. (NRS 636.0285) **Section 2** limits such care to a duration of not more than 10 hours after the consultation.

Section 3 of this regulation provides that a license issued by the Nevada State Board of Optometry is a revocable privilege.

Existing law requires an applicant for an expedited license by endorsement to practice optometry to submit to the Board proof that the applicant has not been held civilly or criminally liable for malpractice in another jurisdiction. (NRS 636.206, 636.207) **Section 4** of this regulation provides that the term “malpractice” includes professional negligence.

Existing law sets forth the requirements for an optometrist to engage in optometric telemedicine. (NRS 636.394) **Section 5** of this regulation requires a licensee to review certain health records of a patient before providing health care services through optometric telemedicine. **Section 5** also prohibits a licensee who is engaging in optometric telemedicine or remote patient monitoring from issuing a prescription for ophthalmic lenses without first performing a manifest refraction.

Existing law authorizes the Board to file a complaint against, investigate and discipline a licensee if the Board finds that the licensee has engaged in certain prohibited conduct. (NRS 636.295, 636.305, 636.325) **Section 6** of this regulation clarifies that the Board may take such action against a licensee who has voluntarily surrendered or failed to renew his or her license or retired. **Section 16** of this regulation provides that the Board may enter an adverse decision or order against a party who has engaged in prohibited conduct without proof of actual injury caused by the conduct of that party.

Section 7 of this regulation requires the Board to keep the personal contact information of each licensee confidential, except where the personal contact information is also the public contact information of the licensee.

Sections 9-11 and 13 of this regulation revise requirements governing the content of certain advertisements for ophthalmic services, products or devices. **Section 12** of this regulation imposes certain requirements relating to the sale of contact lenses that are intended to be used as scheduled replacements or as disposable lenses. **Section 21** of this regulation makes a conforming change by repealing the interpretation of a term that is removed in **section 10** of this regulation. **Section 8** of this regulation makes a conforming change to remove a reference to the repealed section.

Existing regulations require an optometrist to display his or her license to practice optometry and current renewal card in a conspicuous manner at each office in which he or she practices or has an ownership interest. Existing regulations also provide that an optometrist who employs another optometrist may be subject to discipline for the actions of the optometrist he or she employs. (NAC 636.210) **Section 14** of this regulation: (1) removes the requirement that an optometrist display his or her current renewal card; and (2) instead requires an optometrist to make his or her current renewal card available to a patient or employee of the Board upon request. **Section 14** also provides that an optometrist has the ultimate responsibility for: (1) the actions of each employee of the optometrist performed within the scope of the employment; and (2) the care of the patient of the optometrist. **Section 21** repeals the requirement that a licensee

post his or her last name and professional designation on a sign at his or her office and at any remote location.

Existing regulations require a licensee to submit to the Board an application for the registration of an optometry practice for which a fictitious or assumed name is being used if the percentage of the ownership of the practice changes within 10 working days after the change in ownership occurs. (NAC 636.215) **Section 15** of this regulation extends the deadline for the submission of such an application to 90 calendar days after the percentage of the ownership of the practice changes.

Section 17 of this regulation revises the required contents of prescriptions for certain contact lenses.

Existing law authorizes the Board to set fees for any service provided by the Board. (NRS 636.143) **Section 18** of this regulation imposes a \$100 fee on a person who seeks to change his or her legal name at a time other than when his or her license is renewed.

Existing regulations provide that the Board will approve continuing education that is provided or approved by certain organizations, including certain courses offered by the American Medical Association. (Section 8 of LCB File No. R066-19) **Section 19** of this regulation: (1) requires that a course offered by the American Medical Association be ophthalmology-specific in order to be approved by the Board; and (2) provides that the Board will approve as continuing education an ophthalmology residency program affiliated with an accredited medical school.

Existing regulations require a licensee or applicant to report to the Board not later than 30 days after a civil action relating to the practice of optometry is filed against the licensee or applicant. (Section 14 of LCB File No. R066-19) **Section 20** of this regulation: (1) requires that such a report be submitted not later than 30 days after the initial service of process upon the licensee or applicant; and (2) additionally requires a licensee or applicant to report any civil action filed against the optometry practice or business of the licensee or applicant or the fictitious or assumed name of the licensee or applicant.

Section 1. Chapter 636 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. 1. *A student who is enrolled in a graduate course of study in optometry at an accredited school or college may perform a procedure pursuant to subsection 1 of NRS 636.0285 only if that procedure is within the scope of practice of the optometrist or ophthalmologist who is physically present at the clinic when the student is performing the procedure.*

2. A person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may:

(a) Engage in the practice of optometry pursuant to subsection 2 of NRS 636.0285 only within the scope of practice of the optometrist or ophthalmologist who is physically present at the clinic when the person is in the practice of optometry.

(b) Provide care to a patient pursuant to subsection 3 of NRS 636.0285 for not more than 10 hours after consulting with the appropriate optometrist or ophthalmologist associated with the clinic.

3. Nothing in this section authorizes a student who is enrolled in a graduate course of study in optometry at an accredited school or college or a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry to perform any act that is outside of the practice of optometry, as set forth in NRS 636.025.

Sec. 3. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 4. For the purposes of NRS 636.206 and 636.207, the Board will interpret “malpractice” to include, without limitation, professional negligence.

Sec. 5. 1. A licensee who is engaging in synchronous or asynchronous optometric telemedicine shall review records relating to the eye health of the patient immediately before or during the provision of health care services. Such records must include, without limitation, information obtained from the comprehensive examination conducted pursuant to subsection 2 or 3 of NRS 636.394, as applicable.

2. A licensee who is engaging in optometric telemedicine or remote patient monitoring may not issue a prescription for ophthalmic lenses without first performing a manifest refraction.

Sec. 6. If the Board determines that proper grounds exist, the Board may investigate a complaint, issue a formal complaint or conduct a disciplinary hearing against a person who has voluntarily:

- 1. Surrendered his or her license;*
- 2. Failed to renew his or her license; or*
- 3. Retired from the practice of optometry.*

Sec. 7. The Board will keep the personal mailing address, telephone number and electronic mail address of each licensee confidential, except where the personal mailing address, telephone number or electronic mail address is also the public mailing address, telephone number or electronic mail address, as applicable, of the licensee.

Sec. 8. NAC 636.120 is hereby amended to read as follows:

636.120 1. An optometrist may represent his or her professional designation as:

- (a) Optometrist;
- (b) O.D.;
- (c) OD;
- (d) Doctor of Optometry;
- (e) Dr. of Optometry; or
- (f) Another designation approved by the Board that the Board determines is not misleading.

2. No abbreviation may be used for any of the information required by NAC ~~636.130~~ 636.140 to 636.200, inclusive, except abbreviations approved in writing by the Board.

Sec. 9. NAC 636.142 is hereby amended to read as follows:

636.142 1. Any broadcast advertisement placed by an optometrist licensed to practice in this State must include ~~an oral~~ a statement of:

(a) The last name of the optometrist as it appears on his or her license and his or her professional designation; or

(b) The assumed or fictitious name registered with the Board by the optometrist pursuant to NRS 636.350.

2. Any disclaimer in a broadcast advertisement placed by an optometrist must be displayed or communicated in such a manner that a reasonable person would have the opportunity to read or hear and understand it.

3. A broadcast advertisement placed by an optometrist must be clearly separate from any advertisement paid for or produced by an unlicensed entity.

Sec. 10. NAC 636.150 is hereby amended to read as follows:

636.150 1. Advertising of an ophthalmic product or device must include, without limitation ~~;~~

~~—(a) A~~, a statement whether the price or discounted price includes an examination of the eyes.

~~[(b) A notice, “Does not meet the specifications of the American National Standards Institute” if the ophthalmic product does not meet the applicable specifications of the American National Standards Institute.]~~

2. If advertising of an ophthalmic product or device is printed or electronic, the ~~information~~ *statement* described in subsection 1 must be printed as prominently as the words promoting the product.

Sec. 11. NAC 636.160 is hereby amended to read as follows:

636.160 In addition to the ~~information~~ *statement* required ~~pursuant to~~ *by* NAC 636.150, the advertising of spectacle lenses must include the following information:

1. If applicable, a statement that the price for advertised lenses may vary depending upon the purchaser's specific prescription.

2. ~~A statement that the advertised lenses are clear, tinted or photochromic.~~

~~3.~~ A statement that the advertised lenses are ~~glass~~ :

(a) *Glass* or plastic, single vision, bifocal , ~~or~~ trifocal ~~that they are occupational~~ or *progressive; or*

(b) *Occupational or* aphakic . ~~and if the lenses are:~~

~~(a) Bifocal, the advertisement must state the segment size except for executive or dualens types.~~

~~(b) Trifocal, the advertisement must state the segment size except for executive or dualens and variable focus types.~~

~~(c) Occupational or aphakic, the advertisement must state that they are lenticular aspheric, lenticular nonaspheric or full field aspheric.~~

Sec. 12. NAC 636.170 is hereby amended to read as follows:

636.170 1. In addition to the ~~information~~ *statement* required ~~pursuant to~~ *by* NAC 636.150, the advertising of contact lenses must include the following information:

(a) A statement that the advertised lenses are hard or soft, daily or extended wear, or gas permeable.

(b) A statement that the advertised lenses are single vision or multifocal.

(c) A statement whether the price or discounted price advertised includes all the required accessories and fees for any required fitting or evaluation.

2. Contact lenses received from a manufacturer in a package containing multiple lenses of the same prescription that are intended to be used as scheduled replacements or as disposable lenses may not be advertised for sale or sold ~~as~~ :

(a) *As permanent lenses ~~+~~ ; or*

(b) *For use according to a replacement schedule that differs from the replacement schedule indicated by the United States Food and Drug Administration or the manufacturer of the contact lens.*

Sec. 13. NAC 636.190 is hereby amended to read as follows:

636.190 An advertisement of an optometric examination, eye examination, vision examination, eye test or vision test must include a specific disclaimer if any of the following services are not included:

1. ~~An ophthalmoscopy.~~ *The documentation of the primary reason for which the examination is conducted.*

2. A ~~subjective examination.~~ *review of the medical history and ocular history of both the patient and his or her immediate family.*

3. ~~Binocularity testing.~~ *A review of medications used by the patient.*

4. A ~~check of normal aided and unaided~~ *review of any allergies of the patient.*

5. *A review of documentation identifying the primary care provider of the patient.*
6. *General medical observations, including, without limitation, neurological and psychological orientation.*
7. *A measurement of eye pressure.*
8. *An assessment of gross, confrontation or formal visual fields.*
9. *A basic sensorimotor examination.*
10. *A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect.*
11. *Eye alignment.*
12. *An assessment of visual acuities.*
- ~~15. A case history.~~
- ~~6. Tonometry.~~
- ~~7. Near-point accommodative tests.~~
- ~~8.] 13. Keratometry [~~
- ~~9. Slit-lamp biomicroscopy.~~
- ~~10.] or autokeratometry.~~
14. *Anterior examination using a slit beam and magnification, as through a biomicroscope slit-lamp to include, without limitation, ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens.*
15. *A manifest or subjective refraction.*
- ~~11.] 16. A dilated fundus examination.~~

Sec. 14. NAC 636.210 is hereby amended to read as follows:

636.210 1. An optometrist shall not:

(a) Own any part of an office where optometry is practiced under any name other than the name on his or her license or a fictitious or assumed name registered with the Board pursuant to NRS 636.350.

(b) Represent himself or herself as a specialist in any optometric field unless he or she has been certified by a board for certifying specialties approved by the Nevada State Board of Optometry.

(c) Practice optometry at an office that is not registered with the Board or a mobile optometry clinic that is not certified by the Board.

2. An optometrist shall ~~{display}~~:

(a) *Display* his or her license or a duplicate of his or her license to practice optometry *at each office in which he or she practices optometry or has an ownership interest*; and ~~{a}~~

(b) *Make his or her* current renewal card ~~{in a conspicuous manner at each office in which he or she practices optometry or has an ownership interest.}~~ *or a copy of his or her current renewal card available to a patient or an employee of the Board upon request.*

3. Except as otherwise provided in this subsection, an optometrist may practice optometry as a substitute optometrist at an office that is not registered with the Board as a practice location of the optometrist but is registered with the Board by another licensed optometrist for:

(a) Not more than 28 working days during the period in between renewals of the license, as set forth in NRS 636.250, if the optometrist notifies the Board in writing of the day and place of such practice at least 24 hours before the optometrist practices optometry at any such place. If

the optometrist is not able to notify the Board within the prescribed period because of an emergency, he or she shall notify the Board as soon as possible.

(b) More than 28 working days during the period in between renewals of the license, as set forth in NRS 636.250, if he or she obtains from the Board a certificate as a substitute optometrist. An optometrist who wishes to obtain such a certificate must apply to the Board in the form prescribed by the Board. Such a certificate must be renewed before the date by which the license of the optometrist must be renewed pursuant to NRS 636.250. A substitute optometrist shall not practice optometry for more than 28 working days during the period in between renewals of the license, as set forth in NRS 636.250, at any single location that is not registered as a practice location of the optometrist unless the substitute optometrist is practicing as part of a mobile optometry clinic certified pursuant to NRS 636.2899.

4. An optometrist who employs another optometrist *or a technician, assistant or any other employee* on a temporary or permanent basis may be subject to disciplinary action for any violation of this chapter or chapter 636 of NRS, including, without limitation, for unprofessional conduct, by the optometrist, *, technician, assistant or other employee that* he or she employs which takes place during the performance of services pursuant to such employment.

5. *An optometrist has the ultimate responsibility for:*

(a) The conduct, treatment, acts and omissions of an employee of the optometrist when the employee is acting within the scope of his or her employment; and

(b) The care of each patient of the optometrist.

6. For the purposes of this section, practicing at a location for any portion of a day constitutes practicing at that location for 1 working day.

Sec. 15. NAC 636.215 is hereby amended to read as follows:

636.215 1. An optometrist shall not own any portion of an optometry practice under an assumed or fictitious name, including, without limitation, a name stating that he or she is “doing business as” followed by another name, unless he or she has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at the office where the optometrist practices pursuant to NRS 636.350.

2. Before a licensee may own any portion of an optometry practice under an assumed or fictitious name, the licensee must submit a completed application for a certificate of registration of the assumed or fictitious name on a form provided by the Board. A separate application must be submitted for each location at which the assumed or fictitious name will be used. The application must:

(a) List each person who holds any ownership interest in the optometry practice and the percentage of the optometry practice that he or she owns; and

(b) Be accompanied by documentation from each appropriate local governmental entity that issues business licenses or registers assumed or fictitious names for the county in which the optometrist proposes to own any portion of an optometry practice under the assumed or fictitious name, which verifies the local governmental entity has approved the use of the assumed or fictitious name by the licensee.

3. The Board will not approve an application for a certificate of registration to own any portion of an optometry practice under an assumed or fictitious name which:

(a) Contains any reference to price or cost;

(b) Contains any reference to “superiority,” “better” or “best”;

(c) Contains the word “physician”; or

(d) Is in violation of any provision of this chapter or chapter 636 of NRS.

4. If a licensee practices under a fictitious or assumed name at a medical or surgical facility, the assumed or fictitious name must include the professional designation of the licensee.

5. Not later than ~~110 working~~ **90 calendar** days after any percentage of the ownership of an optometry practice for which a fictitious or assumed name is registered changes, the licensee to whom the fictitious or assumed name is registered must submit a new application for the registration of the assumed or fictitious name.

6. If a licensee uses or displays an assumed or fictitious name in any manner or medium before receiving a certificate of registration to practice optometry under an assumed or fictitious name from the Board, the optometrist:

(a) Shall, upon receipt of written notice from the Board, immediately cease using the assumed or fictitious name; and

(b) Is subject to an administrative fine imposed pursuant to NRS 636.420.

Sec. 16. NAC 636.600 is hereby amended to read as follows:

636.600 **1.** 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 of records of the Board, and any regulatory agency of the State of Nevada, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States or any court of record.

2. The Board may enter a decision or order adverse to a party in a disciplinary hearing without proof being established at the hearing that a person was actually injured by the

conduct of that party if the conduct of the party is grounds for disciplinary action under NRS 636.295.

Sec. 17. NAC 636.670 is hereby amended to read as follows:

636.670 1. A prescription for spectacle lenses must specify the refractive power necessary for best vision.

2. A prescription for polymethylmethacrylate (Hydrophobic) contact lenses must specify the base curve, diameter and refractive power of the lenses.

3. A prescription for rigid gas permeable contact lenses must:

(a) Specify the base curve, diameter and refractive power of the lenses;

(b) Specify the:

(1) Brand name or manufacturer and type of lens; or

(2) ~~[/The actual/]~~ *Actual* materials desired ; ~~[/with their ability to transmit oxygen;]~~ and

(c) State whether the prescription is for daily wear or for a stated maximum number of 24-hour periods.

4. A prescription for soft contact lenses must:

(a) Specify the base curve or equivalent, diameter and refractive power of the lenses;

(b) Specify the:

(1) Brand name and type of lens; or

(2) ~~[/The actual/]~~ *Actual* materials desired ; ~~[/with their percentage of water content and thickness;]~~ and

(c) State whether the prescription is for daily wear or for a stated maximum number of 24-hour periods.

Sec. 18. Section 7 of LCB File No. R066-19 is hereby amended as follows:

Sec. 7. The Board will charge and collect:

1. For an initial application for a license, a nonrefundable fee in the amount of \$75 plus \$93.75 for each calendar quarter or portion thereof remaining in the biennial licensing period until the renewal date prescribed by NRS 636.265, not to exceed a total of \$825.

2. For a certificate to own or operate a mobile optometry clinic, a nonrefundable fee in the amount of \$75 plus \$93.75 for each calendar quarter or portion thereof remaining in the biennial licensing period until the renewal date prescribed by NRS 636.2899, not to exceed a total of \$825.

3. The following nonrefundable fees:

- (a) Initial application for a license by endorsement.....\$450
- (b) Initial application for a certificate to administer and prescribe pharmaceutical agents.....\$75
- (c) Initial application for or biennial renewal of a certificate as a substitute optometrist\$200
- (d) Initial application for a certificate to treat a person diagnosed with glaucoma, including, without limitation, a certificate by endorsement.....\$175
- (e) Biennial renewal of active license with one practice location.....\$750
- (f) Biennial renewal of inactive license\$500
- (g) Biennial renewal of a certificate to own or operate a mobile optometry clinic\$600

(h) Late fee for reinstatement <i>restoration</i> of license suspended pursuant to NRS 636.275.....	\$500
(i) Activation of inactive license.....	\$250
(j) Addition of a practice location associated with a license.....	\$200
(k) Biennial renewal fee, in addition to the fee prescribed in paragraph (e), for each practice location in addition to the licensee’s primary practice location	\$200
(l) Registration of assumed or fictitious name	\$50
	per practice location
(m) Change of practice location or change of address.....	\$25
(n) Letter of good standing.....	\$25
(o) Replacement license or certificate.....	\$75
(p) Replacement renewal card issued pursuant to NRS 636.265	\$25
<i>(q) Legal name change if requested at a time other than at license renewal</i>	<i>\$100</i>

Sec. 19. Section 8 of LCB File No. R066-19 is hereby amended as follows:

Sec. 8. 1. Except as otherwise provided in subsection 2, a licensee must complete at least 40 hours of continuing education during the 2 years immediately preceding the date on which a license is required to be renewed. Not more than 5 hours of the required continuing education may be in the subject of practice management.

2. A licensee who is certified to administer and prescribe pharmaceutical agents must complete at least 50 hours of continuing education during the 2 years immediately preceding the date on which a license must be renewed. At least 30 hours of the required continuing education

must be related to pharmaceutical agents or disease. Not more than 10 hours of the required continuing education may be in the subject of practice management.

3. A licensee who is subject to the requirements of NRS 636.2881 may count the continuing education required by that section as part of the 30 hours of continuing education relating to pharmaceutical agents or disease required by subsection 2.

4. Continuing education may be completed in person, over the Internet or by correspondence or videoconference. For continuing education that is not completed in person, the licensee must submit proof that he or she received a score of at least 75 percent on the examination for the course.

5. Continuing education will be awarded in 15 minute increments. Instruction time must be rounded to the nearest 15 minutes, except that 50 minutes or more of instruction may be rounded up to the nearest hour. A licensee may not receive credit for more than 10 hours of continuing education during any 24-hour period.

6. The Board will approve continuing education in appropriate subjects that is provided or approved by:

(a) A school of optometry approved by the Accreditation Council on Optometric Education, or its successor organization;

(b) A regional, state or national optometric association;

(c) The Council on Optometric Practitioner Education, or its successor organization; ~~or~~

(d) For continuing education completed to satisfy the requirements of NRS 636.2881 or subsection 6 of NRS 636.338, the American Medical Association, or its successor organization, as Category 1 *ophthalmology-specific* continuing medical education ~~or~~ ; or

(e) Any ophthalmology residency program that is affiliated with an accredited medical school.

7. The Board will approve continuing education not described in subsection 6 if:

(a) The provider of the continuing education submits to the Board a course syllabus or program and the name of the licensee who will complete the course before the date on which the continuing education is provided or the licensee includes the continuing education on the form for proof of completion of continuing education submitted pursuant to NRS 636.260; and

(b) The Board determines that the training is appropriately rigorous, is provided by a qualified provider and concerns an appropriate subject.

8. The Board will notify a licensee if continuing education submitted for approval pursuant to subsection 7 is not approved.

9. A licensee shall not submit the form for proof of completion of continuing education pursuant to NRS 636.260 until all continuing education required by subsection 1 or 2, as applicable, has been completed.

Sec. 20. Section 14 of LCB File No. R066-19 is hereby amended as follows:

Sec. 14. 1. A licensee or applicant for a license shall report to the Board not later than 30 days after:

(a) Being charged with or convicted of a crime, other than a minor traffic violation, in this State, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country or by the Federal Government or a branch of the Armed Forces of the United States;

(b) Any disciplinary action is taken against the licensee or applicant by a licensing authority in this State, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country;

(c) ~~HA~~ *The initial service of process in a* civil action relating to the practice of optometry ~~is filed~~ against the licensee *or applicant, the optometry practice or business of the licensee or applicant or any assumed or fictitious name registered with the Board under which the licensee* or applicant *practices optometry* in a federal court or court of this State, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country; or

(d) An extended order for protection against domestic violence is issued against the licensee pursuant to NRS 33.020 or a similar statute in any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country.

2. The Executive Director or his or her designee will review a report made pursuant to subsection 1 and conduct any investigation he or she determines is necessary to ascertain the facts concerning the incident described in the report. Such an investigation may include, without limitation, requiring the licensee or applicant to provide information concerning the incident.

Sec. 21. NAC 636.110 and 636.130 are hereby repealed.

TEXT OF REPEALED SECTIONS

636.110 “Do not meet the specifications of the American National Standards Institute” defined. (NRS 636.125, 636.302, 636.380) As used in NAC 636.120 to 636.200, inclusive, the phrase “Do not meet the specifications of the American National Standards Institute” means that the ophthalmic products:

1. Were not purchased from a manufacturer or wholesaler who warrants that they meet the most current version of those specifications, if applicable; or
2. Do not meet the most current version of those specifications, if applicable.

636.130 Posting of signs. (NRS 636.125, 636.302, 636.380)

1. A licensee shall post a sign at the entrance to any office that is registered with the Board as a practice location of the licensee. The sign must include, without limitation, the licensee’s last name, as it appears on his or her license, the professional designation of the licensee and the hours during which the office is open.

2. A sign posted at a location which is remote from the office must specify, without limitation, the last name of the licensee as it appears on his or her license and his or her professional designation.