

**ADOPTED REGULATION OF THE
BOARD OF DISPENSING OPTICIANS**

LCB File No. R113-06

Effective June 28, 2006

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

AUTHORITY: §§1 and 2, NRS 637.070, 637.100 and 637.123; §3, NRS 637.070 and 637.121; §§4 and 5, NRS 637.070; §6, NRS 637.070 and 637.121; §7, NRS 637.070, 637.100 and 637.125.

A REGULATION relating to dispensing opticians; revising licensing requirements for apprentice dispensing opticians and dispensing opticians; adding provisions relating to continuing education requirements for dispensing opticians; revising provisions relating to the supervision of apprentice dispensing opticians; and providing other matters properly relating thereto.

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

Sec. 2. 1. *Except as otherwise provided in subsection 2, an apprentice dispensing optician who fails to renew his license before the license expires on January 31 of each year may have his license reinstated if he:*

- (a) Provides proof of completion of any required continuing education;*
- (b) Pays the renewal fee; and*
- (c) Pays the delinquency fee.*

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.*

Sec. 3. *A dispensing optician who fails to renew his license or limited license before the license or limited license expires on January 31 of each year may have his license or limited license reinstated if he:*

1. Applies for reinstatement within 2 years of the expiration of his license or limited license;

2. Provides proof of completion of any required continuing education;

3. Pays the renewal fee; and

4. Pays the delinquency fee.

Sec. 4. NAC 637.144 is hereby amended to read as follows:

637.144 A person who manages a business engaged in ophthalmic dispensing:

1. Must hold a license as a dispensing optician issued pursuant to NRS 637.120 or a limited license as a dispensing optician issued pursuant to NRS 637.121; ~~and~~

2. Is responsible for supervising the ophthalmic dispensing and the consulting on optical fashions conducted at the business engaged in ophthalmic dispensing ~~and~~; *and*

3. Must, within 10 days after becoming the manager of the business, notify the Board, in writing, that he is the manager.

Sec. 5. NAC 637.160 is hereby amended to read as follows:

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

2. The examination will test the applicant's proficiency and knowledge in the following subjects ~~and~~

~~—(a) Mechanical and geometric optics;~~

~~—(b) Measurement for, and the fitting and adapting of, eyeglasses and contact lenses;~~

- ~~—(c) Optical materials and their design and uses as visual aids;~~
- ~~—(d) The anatomy and physiology of the eye; and~~
- ~~—(e) The provisions of this chapter and chapter 637 of NRS.] and approximate proportions:~~

- (a) Neutralization of ophthalmic products, 30 percent.*
- (b) Optical theory, 15 percent.*
- (c) Dispensing of ophthalmic products, 10 percent.*
- (d) The provisions of this chapter and chapter 637 of NRS, 15 percent.*
- (e) Anatomy, physiology and health of the eye, 15 percent.*
- (f) Ophthalmic product identification, 5 percent.*
- (g) Ophthalmic instrumentation, 10 percent.*

3. If an applicant for a license as a dispensing optician holds a limited license as a dispensing optician in good standing, the Board may modify the examination described in this section to test the ~~[applicant only on the practice and theory of fitting contact lenses.]~~ *applicant's proficiency and knowledge in the following subjects and approximate proportions:*

- (a) Basic contact lens, 30 percent.*
- (b) The provisions of this chapter and chapter 637 of NRS, 15 percent.*
- (c) Slide identification, 15 percent.*
- (d) Neutralization of ophthalmic products, 20 percent.*
- (e) Instrumentation and fitting, 20 percent.*

4. The examination will be conducted in the presence of at least two board members, both of whom must be dispensing opticians. Other dispensing opticians may be employed by the Board to assist in administering the practical examination.

5. An applicant who fails the examination and wishes to have a review of his examination papers must submit his request for a review on a form provided by the Board within 60 days after the examination.

Sec. 6. NAC 637.200 is hereby amended to read as follows:

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

- (a) Mechanical and geometric optics;
- (b) The measurement, fitting and adapting of eyeglasses, contact lenses and optical prosthetics;
- (c) Optical materials and their design and uses as visual aids;
- (d) The nature and properties of light and its refraction by lenses;
- (e) The anatomy and physiology of the eye and its appendages;
- (f) The principles of management relating to ophthalmic dispensing;
- (g) The principles of ophthalmic dispensing and the wearing of contact lenses related to ophthalmology and optometry; ~~and~~
- (h) Refractometry ~~and~~;
- (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. 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. 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 hours of continuing education by submitting to the Board an outline of the course and any other related materials that the Board may require.

4. A licensee who attends the same educational lecture more than once every 3 years is entitled to count only his original attendance as credit toward his hours of continuing education.

5. A dispensing optician with a limited license may not receive more than a total of six credits each year towards his hours of continuing education for completion of self-study courses or courses offered over the Internet.

6. A dispensing optician may not receive more than a total of seven credits each year towards his hours of continuing education for completion of self-study courses or courses offered over the Internet.

7. A dispensing optician with a limited license shall complete at least 12 hours of continuing education 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 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.

Sec. 7. NAC 637.280 is hereby amended to read as follows:

637.280 1. A supervisor who is licensed in this State must be on the premises of the optical establishment at all times to directly supervise an apprentice dispensing optician. In all instances of a supervisor's absence, a substitute supervisor who is licensed in this State must be obtained to directly supervise the apprentice dispensing optician.

2. When a permanent change of ~~supervisor~~ *supervision* is made by the employer, ~~the Board must be notified~~ *the supervisor and apprentice dispensing optician shall notify the board, in writing*, of the change within ~~30~~ *10* days.

3. An apprentice dispensing optician may not be supervised by an ophthalmologist, an optometrist or a dispensing optician who directly supervises two or more other apprentice dispensing opticians.

4. Except as otherwise provided in subsection 5, an apprentice dispensing optician and his supervisor must be employed by the same employer.

5. An apprentice dispensing optician may be directly supervised by any dispensing optician authorized to fit and fill prescriptions for contact lenses, ophthalmologist or 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.

6. 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) “Supervisor” means an ophthalmologist, an optometrist or a dispensing optician who directly supervises the apprentice dispensing optician.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R113-06**

The Board of Dispensing Opticians adopted regulations assigned LCB File No. R113-06 which pertain to chapter 637 of the Nevada Administrative Code on June 15, 2006.

Notice date: 5/8/2006
Hearing date: 6/15/2006

Date of adoption by agency: 6/15/2006
Filing date: 6/28/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary:

Public comment was solicited by sending notices of workshops and adoption hearing to persons and entities that may be interested in the regulation. Public comment was also solicited by posting notices of the workshops and hearing at public libraries throughout the state. Overall, there were less than ten written responses received by the Board of Dispensing Opticians ("Board"). Interested persons may obtain a copy of the minutes of the workshops from the Board by written request to P.O. Box 19625, Reno, Nevada 89511 or telephone at (775) 853-1421.

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation:

A. The number of persons who:

(a) Attended each hearing:	(Approximately)	June 15, 2006	24
(b) Testified at each hearing:	(Approximately)	June 15, 2006	03
(c) Submitted to the agency written comments:	(Approximately)		01

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:

Public comment was solicited by sending notices of the hearing to licensees with the Board. There were few written responses received by the Board. Interested persons may obtain a copy of the minutes of the workshop from the Board by written request to P.O. Box 19625, Reno, Nevada 89511.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The

statement should also explain the reasons for making any changes to the regulation proposed.

The regulation was adopted with one change, deleting section 4 in its entirety. The Board will consider revisit this section in the future.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects:

A. Estimated economic effect on regulated business:

(a). Adverse and beneficial effects:

It is estimated that the proposed regulations to be adopted and amended would have a negligible economic effect on licensees.

(b). Immediate and long-term effects:

The proposed regulations to be adopted and amended will have similar immediate and long-term effects for registrants.

B. Estimated economic effect on the public:

(a). Adverse and beneficial effects:

The proposed regulations will provide increased consumer protection and operational efficiency.

(b). Immediate and long-term effects:

The proposed regulations to be adopted and amended will have similar immediate and long-term effects for the public.

6. The estimated cost to the agency for enforcement of the proposed regulation:

The estimated cost to the Board for enforcement of the proposed regulations are within statutory guidelines.

7. A description of any regulations of the 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 proposed regulations do not overlap or duplicate any regulations of other state or local government agencies or of any federal agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

The proposed regulations are not more stringent than federal regulation which may regulate the same activity.

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not establish or amend any fees.