

ASSEMBLY BILL NO. 275—COMMITTEE ON
COMMERCE AND LABOR

MARCH 11, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Eliminates authority of dispensing optician to fit contact lenses. (BDR 54-1218)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to dispensing opticians; eliminating the authority of a dispensing optician to fit contact lenses; repealing the provision providing for a license for a dispensing optician to fit contact lenses; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 630.375 is hereby amended to read as follows:
2 630.375 1. The form for any prescription which is issued for
3 an ophthalmic lens by an ophthalmologist in this state must contain
4 lines or boxes in substantially the following form:

5
6 Approved for contact lenses..... _____
7 Not approved for contact lenses..... _____
8

9 2. The prescribing ophthalmologist shall mark or check one of
10 the lines or boxes required by subsection 1 each time such a
11 prescription is issued by him.

12 3. If the prescription is for a contact lens, the form must set
13 forth the expiration date of the prescription, the number of refills
14 approved for the patient and such other information as is necessary
15 for the prescription to be filled properly.

16 4. The initial fitting of a contact lens must be performed by ~~E~~:



1 ~~—(a) A dispensing optician licensed pursuant to NRS 637.122; or~~
2 ~~—(b) An] an~~ ophthalmologist or optometrist licensed in this state.

3 **Sec. 2.** NRS 636.387 is hereby amended to read as follows:

4 636.387 1. The form for any prescription which is issued for
5 an ophthalmic lens by an optometrist in this state must contain lines
6 or boxes in substantially the following form:

7
8 Approved for contact lenses..... _____
9 Not approved for contact lenses..... _____

10
11 2. The prescribing optometrist shall mark or check one of the
12 lines or boxes required by subsection 1 each time such a prescription
13 is issued by him.

14 3. If the prescription is for a contact lens, the form must set
15 forth the expiration date of the prescription, the number of refills
16 approved for the patient and such other information as is necessary
17 for the prescription to be filled properly.

18 4. The initial fitting of a contact lens must be performed by ~~]:~~
19 ~~—(a) A dispensing optician licensed pursuant to NRS 637.122; or~~
20 ~~—(b) An] an~~ ophthalmologist or optometrist licensed in this state.

21 **Sec. 3.** NRS 637.022 is hereby amended to read as follows:

22 637.022 “Ophthalmic dispensing” means the design,
23 verification and delivery to the intended wearer of lenses, frames
24 and other specially fabricated optical devices upon prescription. The
25 term includes:

26 1. The taking of measurements to determine the size, shape and
27 specifications of the lenses, frames or contact lenses;

28 2. The preparation and delivery of work orders to laboratory
29 technicians engaged in grinding lenses and fabricating eyewear;

30 3. The verification of the quality of finished ophthalmic
31 products;

32 4. The adjustment of lenses or frames to the intended wearer’s
33 face or eyes;

34 5. The adjustment, replacement, repair and reproduction of
35 previously prepared ophthalmic lenses, frames or other specially
36 fabricated ophthalmic devices; and

37 6. The ~~fitting]~~ *dispensing* of contact lenses *that do not require*
38 *any adjustment, modification or fitting* pursuant to a written
39 prescription . ~~[by a dispensing optician who has been licensed~~
40 ~~pursuant to NRS 637.122 to do so.]~~

41 **Sec. 4.** NRS 637.120 is hereby amended to read as follows:

42 637.120 1. An applicant successfully completing the
43 examination must be issued a license as a dispensing optician by the
44 Board. The license authorizes the applicant to engage in the practice
45 of ophthalmic dispensing ~~]~~ and must at all times be conspicuously



1 displayed at the holder's place of practice. The license is not
2 transferable by the holder. ~~[A separate license is required before the
3 dispensing optician may fit contact lenses.]~~

4 2. The Board may, upon application and the payment of a fee
5 not to exceed \$100, issue one duplicate license.

6 **Sec. 5.** NRS 637.135 is hereby amended to read as follows:

7 637.135 1. Except as otherwise provided in subsection 2, all
8 licensed dispensing opticians must complete a yearly program of
9 continuing education in ophthalmic dispensing.

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

12 3. The program of continuing education in ophthalmic
13 dispensing must:

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

16 (b) Consist of a minimum of 36 hours in a period of 36 months.

17 ~~[4. The Board shall require persons who are licensed to fit
18 contact lenses to obtain additional continuing education related to
19 that practice.]~~

20 **Sec. 6.** NRS 637.170 is hereby amended to read as follows:

21 637.170 Any licensee whose license was revoked by the Board
22 may apply for a new license as provided in NRS 637.100 to
23 ~~[637.122,]~~ 637.120, inclusive, any time after the date of revocation.
24 The Board may consider such an application for licensure and may
25 grant it upon the applicant's payment of a fee set by the Board to
26 cover the administrative costs of any investigation and hearing.

27 **Sec. 7.** NRS 637.122 is hereby repealed.

28 **Sec. 8.** A license issued pursuant to NRS 637.122 expires on
29 October 1, 2003, and must not be renewed.

TEXT OF REPEALED SECTION

637.122 Fitting of contact lenses: Licensing; training permit; fees; restrictions.

1. A dispensing optician shall not fit contact lenses unless he is licensed to do so pursuant to this section.

2. The Board shall issue a license containing an authorization for its holder to fit contact lenses to any licensed dispensing optician whose license has been issued by this Board and:

(a) Who has successfully completed a course of instruction on the fitting of contact lenses at a school which offers a degree of associate in applied science for studies in ophthalmic dispensing and



who has passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; or

(b) Who has completed at least 1 year of training and experience in the fitting of contact lenses under the supervision of a licensed dispensing optician licensed to fit contact lenses, a physician specialized in treatment of the eye, or an optometrist, and has passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners and the contact lens practical examination of the Board.

A license to fit contact lenses is effective for 1 year but may be renewed.

3. The Board may charge a fee of not more than \$250 for its initial issuance of a license to fit contact lenses and \$250 for an annual renewal of such a license.

4. An applicant who desires to qualify by obtaining 1 year of training and experience must first apply to the Board for a training license. The Board shall fix a fee of not more than \$150 for the training license. The license must be conspicuously displayed at the place of training. The year of training and experience must consist of not less than 1,000 hours of experience in fitting and adapting contact lenses, verification and interpretation of prescriptions for contact lenses, and in other aspects of the practice and theory of fitting contact lenses.

5. The Board may issue a training license for the fitting of contact lenses to a licensed apprentice dispensing optician to run concurrently with his permit to serve as an apprentice dispensing optician.

6. The Board may issue a training license, to be effective for not more than 2 years, to a licensed dispensing optician who is not licensed to fit contact lenses in order that he may train in the fitting of such lenses.

7. A dispensing optician:

(a) May fit contact lenses only pursuant to a written prescription specifying contact lenses.

(b) Shall direct the patient to return to the prescriber for checking the fit and accuracy of the lenses.

