

ASSEMBLY BILL NO. 452—COMMITTEE ON
COMMERCE AND LABOR

(ON BEHALF OF THE STATE BOARD OF DISPENSING OPTICIANS)

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes regarding dispensing opticians. (BDR 54-541)

FISCAL NOTE: Effect on Local Government: Yes.
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; permitting the Board of Dispensing Opticians to investigate complaints of unlicensed activity and to issue certain orders and impose administrative fines regarding such activity; providing for administrative fines for certain employers of persons who violate statutory provisions relating to dispensing opticians; providing for one license for dispensing opticians that would authorize the licensee to engage in all activities reserved for dispensing opticians, including those relating to contact lenses; providing for a limited license for existing dispensing opticians who are not authorized to provide contact lenses; eliminating the program for apprentice dispensing opticians; requiring all applicants for licensure as a dispensing optician to successfully complete a specified course of study; providing an exemption from the licensure requirement for certain students practicing ophthalmic dispensing under the direct supervision of a licensed and approved dispensing optician, optometrist or ophthalmologist; revising the applicability of the provisions regulating dispensing opticians; revising fees for issuance and renewal of certain licenses; revising continuing education requirements for licensees; repealing the provision



* A B 4 5 2 R 1 *

limiting the definition of person to a natural person for the purposes of regulating dispensing opticians; 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.** Chapter 637 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2, 3 and 4 of this act.
- 3 **Sec. 2. 1.** *Except as otherwise provided in this section, a*
- 4 *limited license as a dispensing optician authorizes the licensee to*
- 5 *engage in the practice of ophthalmic dispensing pursuant to this*
- 6 *chapter.*
- 7 **2.** *Only a person who is deemed to have an active, inactive or*
- 8 *delinquent limited license as a dispensing optician on February 1,*
- 9 *2006, may have a limited license as a dispensing optician. A*
- 10 *limited license as a dispensing optician may not be issued to any*
- 11 *other person.*
- 12 **3.** *A person practicing ophthalmic dispensing pursuant to a*
- 13 *limited license:*
- 14 **(a)** *Except as otherwise provided in this section, is subject to*
- 15 *the provisions of this chapter in the same manner as a person*
- 16 *practicing ophthalmic dispensing pursuant to a license issued*
- 17 *pursuant to NRS 637.122, including, without limitation, the*
- 18 *provisions of this chapter governing the renewal or reactivation of*
- 19 *a license; and*
- 20 **(b)** *Shall not sell, furnish or fit contact lenses.*
- 21 **4.** *A limited license as a dispensing optician:*
- 22 **(a)** *Expires on January 31 of each year.*
- 23 **(b)** *May be renewed before its expiration upon:*
- 24 **(1)** *Presentation of proof of completion of the continuing*
- 25 *education required by this section; and*
- 26 **(2)** *Payment of a renewal fee set by the Board of not more*
- 27 *than \$200.*
- 28 **(c)** *Except as otherwise provided in subsection 5, is delinquent*
- 29 *if it is not renewed before January 31 of each year. Such a*
- 30 *delinquent limited license may be reinstated, at the discretion of*
- 31 *the Board, upon payment of each applicable annual renewal fee in*
- 32 *addition to the annual delinquency fee set by the Board of not*
- 33 *more than \$500.*
- 34 **5.** *Upon written request to the Board, and payment of a fee*
- 35 *not to exceed \$300, a licensee in good standing may have his name*
- 36 *and limited license as a dispensing optician transferred to an*
- 37 *inactive list. Such a licensee shall not practice ophthalmic*
- 38 *dispensing during the time the limited license is inactive. If an*



1 *inactive licensee desires to resume the practice of ophthalmic*
2 *dispensing as limited by this section, the Board shall reactivate the*
3 *limited license upon:*

4 (a) *If deemed necessary by the Board, the demonstration by*
5 *the licensee that the licensee is then qualified and competent to*
6 *practice;*

7 (b) *The completion of an application; and*

8 (c) *Payment of the renewal fee set by the Board pursuant to*
9 *subsection 4.*

10 6. *To reactivate a limited license as a dispensing optician*
11 *pursuant to subsection 5, an inactive licensee is not required to*
12 *pay the delinquency fee and the renewal fee for any year while the*
13 *license was inactive.*

14 7. *Except as otherwise provided in subsection 8, each person*
15 *with a limited license as a dispensing optician must complete*
16 *courses of continuing education in ophthalmic dispensing each*
17 *year. Such continuing education must:*

18 (a) *Encompass such subjects as are established by regulations*
19 *of the Board.*

20 (b) *Consist of a minimum of 12 hours for a period of 12*
21 *months.*

22 8. *A person with a limited license as a dispensing optician*
23 *who is on active military service is exempt from the requirements*
24 *of subsection 7.*

25 9. *The Board shall adopt any regulations necessary to carry*
26 *out the provisions of this section.*

27 **Sec. 3. 1.** *The Board shall conduct an investigation if it*
28 *receives a complaint that sets forth reason to believe that a person,*
29 *without the proper license, is engaging in an activity for which a*
30 *license is required pursuant to this chapter. The complaint must*
31 *be:*

32 (a) *Made in writing; and*

33 (b) *Signed and verified by the person filing the complaint.*

34 2. *If the Board determines that a person, without the proper*
35 *license, is engaging in an activity for which a license is required*
36 *pursuant to this chapter, the Board shall issue and serve on the*
37 *person an order to cease and desist engaging in the activity until*
38 *such time as the person obtains the proper license from the Board.*

39 3. *If a person upon whom an order to cease and desist is*
40 *served does not comply with the order within 30 days after service,*
41 *the Board shall, after notice and opportunity for a hearing, impose*
42 *upon the person an administrative fine of not more than \$10,000.*
43 *The imposition of an administrative fine is a final decision for the*
44 *purposes of judicial review.*



1 **4. An administrative fine imposed pursuant to this section is**
2 **in addition to any other penalty provided in this chapter.**

3 **Sec. 4. 1. The Board may impose an administrative fine of**
4 **not more than \$10,000 upon a person, without regard to whether**
5 **the person is licensed pursuant to this chapter, if:**

6 (a) **An employee of the person, in the course of his**
7 **employment, violated a provision of this chapter or the regulations**
8 **adopted pursuant thereto; and**

9 (b) **It appears that the person knew or should have known of**
10 **the violation described in subsection 1 on the part of his employee.**
11 **For the purposes of this subsection, a pattern of activity shown to**
12 **have been persistently and consistently followed by an employee**
13 **constitutes prima facie evidence of such knowledge on the part of**
14 **the employer.**

15 **2. The Board may impose an administrative fine pursuant to**
16 **this section for each act or violation by each employee of the**
17 **person.**

18 **Sec. 5.** NRS 637.022 is hereby amended to read as follows:

19 637.022 "Ophthalmic dispensing" means the design,
20 verification and delivery to the intended wearer of lenses, frames
21 and other specially fabricated optical devices upon prescription. The
22 term includes:

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

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

27 3. The verification of the quality of finished ophthalmic
28 products;

29 4. The adjustment of lenses or frames to the intended wearer's
30 face or eyes;

31 5. The adjustment, replacement, repair and reproduction of
32 previously prepared ophthalmic lenses, frames or other specially
33 fabricated ophthalmic devices; and

34 6. The fitting of contact lenses pursuant to a written
35 prescription . ~~{by a dispensing optician who has been licensed~~
36 ~~pursuant to NRS 637.122 to do so.}~~

37 **Sec. 5.5.** NRS 637.025 is hereby amended to read as follows:

38 637.025 ~~{Nothing in this chapter shall be construed:~~

39 ~~—1. To apply to ophthalmic}~~ **The provisions of this chapter do**
40 **not apply to:**

41 **1. Ophthalmic** dispensing personally by a licensed physician,
42 surgeon or optometrist unless exclusively engaged in the business of
43 filling prescriptions.

44 **2. ~~{To prohibit the}~~ Ophthalmic dispensing by an employee of**
45 **a licensed physician, surgeon or optometrist if the employee**



1 *practices ophthalmic dispensing only under the direct supervision*
2 *of the licensed physician, surgeon or optometrist and only as an*
3 *assistant to the licensed physician, surgeon or optometrist.*

4 *3. A licensed pharmacist dispensing prepackaged contact*
5 *lenses pursuant to the provisions of NRS 639.2825.*

6 *4. The sale of goggles, sun glasses, colored glasses or*
7 *occupational protective eye devices not having a refractive value, or*
8 *the sale as merchandise of complete ready-to-wear eyeglasses.*

9 **Sec. 6.** NRS 637.090 is hereby amended to read as follows:
10 637.090 ~~[A]~~

11 *1. Except as otherwise provided in this section, a person shall*
12 *not engage in the practice of ophthalmic dispensing or manage a*
13 *business engaged in ophthalmic dispensing without holding a valid,*
14 *active license issued as provided by this chapter.*

15 *2. A person may practice ophthalmic dispensing if:*

16 *(a) He is enrolled as a student in a course of study for*
17 *ophthalmic dispensing at a school that:*

18 *(1) Offers a degree of associate in applied science for*
19 *studies in ophthalmic dispensing; and*

20 *(2) Is accredited by the Commission on Opticianry*
21 *Accreditation;*

22 *(b) He practices ophthalmic dispensing under the direct*
23 *supervision of a licensed dispensing optician, licensed optometrist*
24 *or licensed ophthalmologist as part of the course of study; and*

25 *(c) The Board approves the course of study for this purpose.*

26 **Sec. 7.** NRS 637.100 is hereby amended to read as follows:

27 637.100 A candidate, in order to qualify for examination and
28 licensing as a dispensing optician, must furnish proof that he:

- 29 1. Is at least 18 years of age.
- 30 2. Is of good moral character.
- 31 3. Is a citizen of the United States, or is lawfully entitled to
32 remain and work in the United States.
- 33 4. Is a graduate of an accredited high school or its equivalent.
- 34 5. Has passed the examination of the American Board of
35 Opticianry and has ~~[-~~

36 ~~—(a) Served as an apprentice for not less than 3 years' full time~~
37 ~~employment in an optical establishment where prescriptions for~~
38 ~~spectacles or contact lenses from given formulae are filled, has~~
39 ~~acquired experience in optical technology and has had 1 year of~~
40 ~~experience in ophthalmic dispensing under the direct supervision of~~
41 ~~a licensed dispensing optician or licensed optometrist, and has~~
42 ~~passed the career progression program of the National Academy of~~
43 ~~Opticianry or an equivalent program accepted by the Board; or~~

44 ~~—(b) Successfully]~~ *successfully* completed a course of study in a
45 school which offers a degree of associate in applied science for



1 studies in ophthalmic dispensing . ~~[and has had 1 year of ophthalmic~~
2 ~~experience under the supervision of a licensed dispensing optician~~
3 ~~or licensed optometrist.]~~

4 **Sec. 8.** NRS 637.110 is hereby amended to read as follows:

5 637.110 1. An application for the issuance of a license as a
6 dispensing optician ~~[or apprentice dispensing optician must include~~
7 ~~the social security number of the applicant.~~

8 ~~—2.—An application]~~ must be accompanied by ~~[-~~

9 ~~—(a) The statement required pursuant to NRS 637.113;~~

10 ~~—(b) A] a~~ fee of not more than \$250 to cover the cost of the
11 examination by the Board and the initial licensing.

12 ~~[3.] 2.~~ The Board shall, if it approves an application, examine
13 the applicant in ophthalmic dispensing, except that the Board may
14 waive the examination of an applicant who is, at the time of
15 application, licensed as a dispensing optician in another state.

16 ~~[4.] 3.~~ To pass the examination, an applicant must achieve a
17 score of at least 70 percent.

18 **Sec. 9.** NRS 637.110 is hereby amended to read as follows:

19 637.110 1. An application for the issuance of a license as a
20 dispensing optician must be accompanied by a fee of not more than
21 ~~[\$250] \$500~~ to cover the cost of the examination by the Board and
22 the initial licensing.

23 2. The Board shall, if it approves an application, examine the
24 applicant in ophthalmic dispensing, except that the Board may
25 waive the examination of an applicant who is, at the time of
26 application, licensed as a dispensing optician in another state.

27 3. To pass the examination, an applicant must achieve a score
28 of at least 70 percent.

29 **Sec. 10.** NRS 637.113 is hereby amended to read as follows:

30 637.113 1. ~~[An]~~ *In addition to any other requirement for*
31 *the issuance or renewal of a license issued pursuant to this*
32 *chapter, an applicant for the issuance or renewal of ~~[a license as a~~*
33 *dispensing optician or apprentice dispensing optician] the license*
34 shall submit to the Board the statement prescribed by the Welfare
35 Division of the Department of Human Resources pursuant to NRS
36 425.520. The statement must be completed and signed by the
37 applicant.

38 2. *In addition to any other requirement for the issuance of a*
39 *license issued pursuant to this chapter, an applicant for the*
40 *issuance of the license must include his social security number in*
41 *his application.*

42 3. The Board shall include the statement required pursuant to
43 subsection 1 in:

44 (a) The application or any other forms that must be submitted
45 for the issuance or renewal of the license; or



1 (b) A separate form prescribed by the Board.
2 ~~[3. A license as a dispensing optician or apprentice dispensing~~
3 ~~optician]~~

4 **4. The license** may not be issued or renewed by the Board if
5 the applicant:

6 (a) Fails to submit the statement required pursuant to subsection
7 1; or

8 (b) Indicates on the statement submitted pursuant to subsection
9 1 that he is subject to a court order for the support of a child and is
10 not in compliance with the order or a plan approved by the district
11 attorney or other public agency enforcing the order for the
12 repayment of the amount owed pursuant to the order.

13 ~~[4.]~~ **5.** If an applicant indicates on the statement submitted
14 pursuant to subsection 1 that he is subject to a court order for the
15 support of a child and is not in compliance with the order or a plan
16 approved by the district attorney or other public agency enforcing
17 the order for the repayment of the amount owed pursuant to the
18 order, the Board shall advise the applicant to contact the district
19 attorney or other public agency enforcing the order to determine the
20 actions that the applicant may take to satisfy the arrearage.

21 **Sec. 11.** NRS 637.120 is hereby amended to read as follows:

22 637.120 1. ~~[An applicant successfully completing the~~
23 ~~examination must be issued a]~~ **A license as a dispensing optician**
24 **issued** by the Board ~~[The license]~~ **pursuant to NRS 637.122**
25 authorizes the applicant to engage in the practice of ophthalmic
26 dispensing, and must at all times be conspicuously displayed at the
27 holder's place of practice. The license is not transferable by the
28 holder. ~~[A separate license is required before the dispensing optician~~
29 ~~may fit contact lenses.]~~

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

32 **Sec. 12.** NRS 637.122 is hereby amended to read as follows:

33 637.122 1. ~~[A dispensing optician shall not fit contact lenses~~
34 ~~unless he is licensed to do so pursuant to this section.~~

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

38 ~~—(a) Who has successfully completed]~~ **An applicant must be**
39 **issued a license as a dispensing optician by the Board if the**
40 **applicant:**

41 (a) *Satisfies the requirements set forth in NRS 637.100;*

42 (b) *Successfully completes the examination set forth in NRS*
43 *637.110, unless the Board waives the examination; and*

44 (c) *Satisfies the requirements set forth in this section.*



1 **2. To qualify for licensing as a dispensing optician, an**
2 **applicant must successfully complete** a course of instruction on the
3 fitting of contact lenses at a school which offers a degree of
4 associate in applied science for studies in ophthalmic dispensing and
5 who has passed the Contact Lens Registry Examination of the
6 National Committee of Contact Lens Examiners . ~~;~~ ~~or~~

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

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

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

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

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

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

36 ~~7.]~~ **3.** A dispensing optician:

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

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

41 **Sec. 13.** NRS 637.123 is hereby amended to read as follows:

42 637.123 1. The license of each apprentice dispensing optician
43 must expire on January 31 of each year. ~~[A]~~ **Except as otherwise**
44 **provided in subsection 4, a** license may be renewed before
45 expiration upon ~~[submission of the statement required pursuant to~~



1 ~~NRS 637.113 and~~ payment of the annual renewal fee set by the
2 Board, not to exceed \$200.

3 2. The license of an apprentice dispensing optician that is not
4 renewed before January 31 is delinquent. ~~[A] Except as otherwise~~
5 ~~provided in subsection 4, a~~ delinquent license may be reinstated at
6 the discretion of the Board upon ~~[submission of the statement~~
7 ~~required pursuant to NRS 637.113 and]~~ payment of each applicable
8 annual renewal fee and an annual delinquency fee established by the
9 Board, not to exceed \$100.

10 3. The Board may by regulation require continuing education
11 as a prerequisite to the renewal of the license of an apprentice
12 dispensing optician.

13 **4. The license of an apprentice dispensing optician must not**
14 **be renewed or reinstated for any period after January 31, 2006.**

15 **Sec. 14.** NRS 637.125 is hereby amended to read as follows:

16 637.125 1. A licensed dispensing optician may employ any
17 person to perform the services of a dispensing optician if the person
18 is licensed by the Board as an apprentice dispensing optician.

19 2. A licensed dispensing optician shall:

20 (a) Supervise all work done by an apprentice dispensing
21 optician.

22 (b) Be in attendance whenever an apprentice dispensing optician
23 is engaged in ophthalmic dispensing.

24 (c) Post the license of the apprentice dispensing optician in a
25 conspicuous place where the apprentice works.

26 3. A licensed dispensing optician may not have under his
27 supervision more than two licensed apprentice dispensing opticians
28 at any one time.

29 4. The Board may require a fee of not more than \$250 for the
30 licensure of an apprentice dispensing optician.

31 5. A licensed dispensing optician may employ persons to assist
32 in consulting on optical fashions . ~~[and in making optical repairs,~~
33 ~~and these]~~ **Such** persons need not be licensed as apprentices.

34 **Sec. 15.** NRS 637.125 is hereby amended to read as follows:

35 637.125 ~~[1. A licensed dispensing optician may employ any~~
36 ~~person to perform the services of a dispensing optician if the person~~
37 ~~is licensed by the Board as an apprentice dispensing optician.~~

38 ~~—2. A licensed dispensing optician shall:~~

39 ~~—(a) Supervise all work done by an apprentice dispensing~~
40 ~~optician.~~

41 ~~—(b) Be in attendance whenever an apprentice dispensing optician~~
42 ~~is engaged in ophthalmic dispensing.~~

43 ~~—(c) Post the license of the apprentice dispensing optician in a~~
44 ~~conspicuous place where the apprentice works.~~



1 ~~3. A licensed dispensing optician may not have under his~~
2 ~~supervision more than two licensed apprentice dispensing opticians~~
3 ~~at any one time.~~

4 ~~4. The Board may require a fee of not more than \$250 for the~~
5 ~~licensure of an apprentice dispensing optician.~~

6 ~~5.]~~ A licensed dispensing optician may employ persons to
7 assist in consulting on optical fashions. Such persons need not be
8 licensed ~~[as apprentices.]~~ *pursuant to this chapter.*

9 **Sec. 16.** NRS 637.135 is hereby amended to read as follows:

10 637.135 1. Except as otherwise provided in subsection 2, all
11 licensed dispensing opticians must complete a yearly program of
12 continuing education in ophthalmic dispensing.

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

15 3. The program of continuing education in ophthalmic
16 dispensing must:

17 (a) Encompass such subjects as are established by regulations of
18 the Board.

19 (b) Consist of a minimum of ~~[36]~~ *14* hours ~~[in]~~ *for* a period of
20 ~~[36]~~ *12* months.

21 ~~[4. The Board shall require persons who are licensed to fit~~
22 ~~contact lenses to obtain additional continuing education related to~~
23 ~~that practice.]~~ *Of these 14 hours, 7 hours must be related to contact*
24 *lenses.*

25 **Sec. 17.** NRS 637.140 is hereby amended to read as follows:

26 637.140 1. A license *as a dispensing optician* issued under
27 the provisions of this chapter expires on January 31 of each year.

28 2. A license may be renewed before its expiration upon:

29 (a) Presentation of proof of completion of the continuing
30 education required by NRS 637.135; *and*

31 (b) ~~[Submission of the statement required pursuant to NRS~~
32 ~~637.113; and~~

33 ~~—(c)]~~ Payment of a renewal fee set by the Board of not more than
34 \$200.

35 3. Except as otherwise provided in subsection 4, any license
36 which is not renewed before January 31 of each year shall be
37 deemed delinquent. A delinquent license may be reinstated, at the
38 discretion of the Board, upon payment of each applicable annual
39 renewal fee in addition to the annual delinquency fee set by the
40 Board of not more than \$500.

41 4. Upon written request to the Board, and payment of a fee not
42 to exceed \$150, a licensee in good standing may have his name and
43 license transferred to an inactive list. Such a licensee shall not
44 practice ophthalmic dispensing during the time the license is
45 inactive. If an inactive licensee desires to resume the practice of



1 ophthalmic dispensing, the Board shall reactivate the license upon
2 the:

3 (a) Demonstration if deemed necessary by the Board that the
4 licensee is then qualified and competent to practice;

5 (b) Completion of an application; *and*

6 (c) ~~Submission of the statement required pursuant to NRS
7 637.113; and~~

8 ~~(d) Payment of the [current fee for renewal of the license.]~~
9 *renewal fee set by the Board pursuant to subsection 2.*

10 Payment of the delinquency fee and the renewal fee for any year
11 while the license was inactive is not required.

12 **Sec. 18.** NRS 637.140 is hereby amended to read as follows:

13 637.140 1. A license as a dispensing optician issued under
14 the provisions of this chapter expires on January 31 of each year.

15 2. A license may be renewed before its expiration upon:

16 (a) Presentation of proof of completion of the continuing
17 education required by NRS 637.135; and

18 (b) Payment of a renewal fee set by the Board of not more than
19 ~~[\$200.] \$500.~~

20 3. Except as otherwise provided in subsection 4, any license
21 which is not renewed before January 31 of each year shall be
22 deemed delinquent. A delinquent license may be reinstated, at the
23 discretion of the Board, upon payment of each applicable annual
24 renewal fee in addition to the annual delinquency fee set by the
25 Board of not more than \$500.

26 4. Upon written request to the Board, and payment of a fee not
27 to exceed ~~[\$150.] \$300~~, a licensee in good standing may have his
28 name and license transferred to an inactive list. Such a licensee shall
29 not practice ophthalmic dispensing during the time the license is
30 inactive. If an inactive licensee desires to resume the practice of
31 ophthalmic dispensing, the Board shall reactivate the license upon
32 the:

33 (a) Demonstration if deemed necessary by the Board that the
34 licensee is then qualified and competent to practice;

35 (b) Completion of an application; and

36 (c) Payment of the renewal fee set by the Board pursuant to
37 subsection 2.

38 Payment of the delinquency fee and the renewal fee for any year
39 while the license was inactive is not required.

40 **Sec. 19.** NRS 637.153 is hereby amended to read as follows:

41 637.153 1. If the Board receives a copy of a court order
42 issued pursuant to NRS 425.540 that provides for the suspension of
43 all professional, occupational and recreational licenses, certificates
44 and permits issued to a person who is licensed ~~[as a dispensing
45 optician or apprentice dispensing optician,] pursuant to this~~



1 *chapter*, the Board shall deem the license issued to that person to be
2 suspended at the end of the 30th day after the date on which the
3 court order was issued unless the Board receives a letter issued to
4 the holder of the license by the district attorney or other public
5 agency pursuant to NRS 425.550 stating that the holder of the
6 license has complied with the subpoena or warrant or has satisfied
7 the arrearage pursuant to NRS 425.560.

8 2. The Board shall reinstate a license ~~as a dispensing optician~~
9 ~~or apprentice dispensing optician~~ *issued pursuant to this chapter*
10 that has been suspended by a district court pursuant to NRS 425.540
11 if the Board receives a letter issued by the district attorney or other
12 public agency pursuant to NRS 425.550 to the person whose license
13 was suspended stating that the person whose license was suspended
14 has complied with the subpoena or warrant or has satisfied the
15 arrearage pursuant to NRS 425.560.

16 **Sec. 20.** Section 518 of chapter 483, Statutes of Nevada 1997,
17 at page 2211, is hereby amended to read as follows:

18 Sec. 518. The amendatory provisions of sections 1 to 4,
19 inclusive, ~~and~~ 6 to *317, inclusive, and 321 to* 516, inclusive,
20 of this act expire by limitation on the date on which the
21 provisions of 42 U.S.C. § 666 requiring each state to establish
22 procedures under which the state has authority to withhold or
23 suspend, or to restrict the use of professional, occupational
24 and recreational licenses of persons who:

25 1. Have failed to comply with a subpoena or warrant
26 relating to a proceeding to determine the paternity of a child
27 or to establish or enforce an obligation for the support of a
28 child; or

29 2. Are in arrears in the payment for the support of one or
30 more children,

31 are repealed by the Congress of the United States.

32 **Sec. 21.** NRS 637.0225 is hereby repealed.

33 **Sec. 22.** 1. The Board of Dispensing Opticians shall not:

34 (a) Accept or approve an application for the issuance of a license
35 as an apprentice dispensing optician if the application is submitted
36 to the Board after the effective date of this section.

37 (b) Renew, reinstate or reactivate the license of any apprentice
38 dispensing optician for any period after January 31, 2006.

39 2. If, on or before January 31, 2006, the Board of Dispensing
40 Opticians receives an application for a license:

41 (a) Pursuant to NRS 637.120, and the Board of Dispensing
42 Opticians has not issued the license on or before January 31, 2006,
43 the Board of Dispensing Opticians shall not approve the application.

44 (b) Pursuant to NRS 637.122, and the Board of Dispensing
45 Opticians has not issued the license on or before January 31, 2006,



1 the Board of Dispensing Opticians shall treat the application as an
2 application for a license pursuant to NRS 637.122 as amended by
3 section 12 of this act.

4 3. A license issued pursuant to NRS 637.120 on or before
5 January 31, 2006, to a person who, on January 31, 2006, is licensed
6 pursuant to NRS 637.120 but not pursuant to NRS 637.122 shall, on
7 and after February 1, 2006, be deemed to be a limited license
8 governed by section 2 of this act. Such a limited license must be
9 deemed to be an active limited license, inactive limited license or
10 delinquent limited license, as appropriate.

11 4. A license issued pursuant to NRS 637.120 on or before
12 January 31, 2006, to a person who, on January 31, 2006, is licensed
13 pursuant to NRS 637.120 and pursuant to NRS 637.122 shall, on
14 and after February 1, 2006, be void.

15 5. A license issued pursuant to NRS 637.122 on or before
16 January 31, 2006, shall, on and after February 1, 2006, be deemed to
17 be a license issued pursuant to NRS 637.122 as amended by section
18 12 of this act. Such a license must be deemed to be an active license,
19 inactive license or delinquent license, as appropriate.

20 **Sec. 23.** 1. This section and sections 1, 3, 4, 5.5, 6, 8, 10, 13,
21 14, 17 and 19 to 22, inclusive, of this act become effective upon
22 passage and approval.

23 2. Sections 2, 5, 7, 9, 11, 12, 15, 16 and 18 of this act become
24 effective on February 1, 2006.

25 3. Sections 8, 13, 14 and 17 of this bill expire by limitation on
26 January 31, 2006.

27 4. Sections 10 and 19 of this bill expire by limitation on the
28 date on which the provisions of 42 U.S.C. § 666 requiring each state
29 to establish procedures under which the state has authority to
30 withhold or suspend, or to restrict the use of professional,
31 occupational and recreational licenses of persons who:

32 (a) Have failed to comply with a subpoena or warrant relating to
33 a proceeding to determine the paternity of a child or to establish or
34 enforce an obligation for the support of a child; or

35 (b) Are in arrears in the payment for the support of one or more
36 children,

37 are repealed by the Congress of the United States.



TEXT OF REPEALED SECTION

637.0225 “Person” defined. “Person” is limited to a natural person.

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