

Amendment No. 1051

Senate Amendment to Assembly Bill No. 77 Second Reprint (BDR 54-366)
<b>Proposed by:</b> Senator Spearman
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 77 R2 (§§ 4, 20).
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/RBL



Date: 5/31/2019

A.B. No. 77—Makes various changes to provisions governing the practice of optometry. (BDR 54-366)





ASSEMBLY BILL NO. 77—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE NEVADA STATE BOARD OF OPTOMETRY)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing the practice of optometry. (BDR 54-366)

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

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

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AN ACT relating to optometry; authorizing an assistant to perform activities relating to optometry under certain circumstances; providing for the certification of a mobile optometry clinic; providing for certification by endorsement to treat a person diagnosed with glaucoma; revising the acts which constitute the practice of optometry; revising certain exemptions relating to the practice of optometry; revising provisions governing the Nevada State Board of Optometry and the Executive Director of the Board; revising provisions governing the preparation of a roster of licensees; authorizing the Board to adopt certain policies; requiring the Board to establish, review and revise a schedule of fees; revising provisions which authorize the Board to impose certain penalties; revising provisions governing the qualification and examination of an applicant for a license to practice optometry; expanding the period required for the renewal of a license to practice optometry; revising provisions governing the restoration of a license to practice optometry; revising the requirements for certification to prescribe pharmaceutical agents; revising provisions governing the issuance of a certificate to treat glaucoma; revising certain provisions governing disciplinary actions against a licensee; revising provisions relating to the submission of a complaint against a licensee; revising provisions governing the location at which a licensee practices optometry; prohibiting an optometrist from entering into certain leases with a person who is not licensed as an optometrist; prohibiting a person from directly or indirectly supervising an optometrist under certain circumstances; revising provisions governing service of process and the transmission of certain notices by the Board; authorizing any licensed optometrist to administer topical diagnostic ophthalmic agents; revising provisions governing the issuance of an administrative

fine for certain violations; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law extensively regulates the practice of optometry in this State, including, without limitation, provisions governing the: (1) creation of the Nevada State Board of Optometry; (2) issuance and renewal of a license to practice optometry; (3) issuance and renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders; (4) certification of an optometrist to administer and prescribe therapeutic pharmaceutical agents; (5) issuance of a certificate to treat persons diagnosed with glaucoma; and (6) payment of fees for such licenses and certificates. (Chapter 636 of NRS) This bill makes numerous changes to the provisions of existing law governing the practice of optometry.

**Sections 2, 35-39, 48.95 and ~~60-62~~ 60-63** of this bill revise provisions governing the administering and prescribing of a pharmaceutical agent by an optometrist. **Section 3** of this bill authorizes an assistant in any setting where optometry is practiced to fit ophthalmic lenses or spectacle lenses and perform certain other activities if the assistant acts under the direct supervision of a licensed optometrist. **Section 4** of this bill sets forth the requirements for the issuance of a certificate to own or operate a mobile optometry clinic. **Section 4.5** of this bill provides for the issuance of a certificate by endorsement to treat a person diagnosed with glaucoma. **Sections 6-9** of this bill revise the definitions of "advertise," "contact lens," "diagnostic pharmaceutical agents" and "prescription." **Section 10** of this bill expands the acts which constitute the practice of optometry to include, without limitation, removing eyelashes with forceps and closing the lacrimal punctum of an eye. **Section 10.5** of this bill revises provisions concerning the applicability of chapter 636 of NRS governing the practice of optometry. **Section 11** of this bill revises the circumstances under which a person is exempt from the provisions of chapter 636 of NRS regulating the practice of optometry.

**Section 12** of this bill requires the Board to take certain actions at its first meeting held during each fiscal year. **Section 13** of this bill repeals provisions which require the Executive Director of the Board to file a performance bond with the Governor. **Section 14** of this bill clarifies that the Board may employ consultants. **Section 15** of this bill amends certain provisions governing the filing of a complaint to initiate disciplinary action. **Section 17** of this bill requires the Board to periodically prepare and make available a roster of all licensees. **Section 18** of this bill authorizes the Board to adopt policies necessary to carry out the provisions of chapter 636 of NRS governing the practice of optometry. **Section 19** of this bill revises certain provisions governing the accreditation of schools which teach optometry. **Section 20** of this bill requires the Board to establish, review and revise a schedule of fees at least once every 2 years. **Section 20** also sets forth the maximum amount of fees that the Board may include in the schedule.

**Section 21** of this bill revises provisions which authorize the Board to impose certain penalties against a person who engages in the practice of optometry in this State without a license to practice optometry or a renewal card for the license. **Sections 22-27** of this bill revise the requirements for the issuance of a license to practice optometry, including, without limitation, the examinations, scores and payment of fees required for the license. **Section 28** of this bill requires the payment of a fee for the renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and revises the period during which the license is effective.

**Sections 29-33** of this bill provide for the renewal of and the payment of fees for the renewal of a license to practice optometry on certain dates occurring during even-numbered years. **Section 34** of this bill: (1) authorizes the restoration of a suspended license within 90 days after the license is suspended upon the completion of certain acts by the licensee; and (2) provides for the expiration of the license if those acts are not completed within that period.

**Section 39** of this bill revises provisions relating to the prescription of a controlled substance by an optometrist.

**Section 40** of this bill revises the circumstances under which an optometrist is required to obtain a certificate to treat persons diagnosed with glaucoma and to refer those persons to an ophthalmologist for treatment. **Section 41** of this bill revises the requirements which the Board must include in its regulations relating to the issuance of a certificate to treat persons diagnosed with glaucoma. **Section 41.5** of this bill clarifies that a person licensed to practice

56 optometry in this State is subject to the jurisdiction of the Board regardless of whether the  
57 license is expired, suspended or revoked. **Section 41.5** also revises the manner in which the  
58 Board may discipline a licensee.

59 **Sections 42-45** of this bill revise the acts which constitute sufficient cause for disciplinary  
60 action or which constitute unethical or unprofessional conduct. **Sections 46 and 47** of this bill  
61 revise the requirements for making and hearing a complaint against a licensee. **Sections 48.3**  
62 **and 48.6** of this bill revise: (1) the manner in which a disciplinary hearing must be conducted;  
63 and (2) the actions that the Board may take upon finding by a preponderance of the evidence  
64 that a person has engaged in one or more grounds for disciplinary action. **Section 48.9** of this  
65 bill repeals certain provisions which authorize the appeal of a decision to revoke or suspend a  
66 license.

67 **Section 49** of this bill prohibits an optometrist from owning all or any portion of an  
68 optometry practice under an assumed or fictitious name unless the optometrist is issued a  
69 certificate of registration to practice optometry under the assumed or fictitious name at a  
70 specific location. An application for the certificate must be accompanied by certain proof  
71 satisfactory to the Board. **Section 49** also requires certain names to be displayed near the  
72 entrance of the office of an optometrist who is issued a certificate of registration. **Section 50**  
73 of this bill revises provisions relating to the unauthorized use of a license to practice  
74 optometry or a renewal card for the license. **Section 51** of this bill authorizes the Board or the  
75 Executive Director of the Board to issue a duplicate license and renewal card for each location  
76 at which a licensee practices optometry. **Section 52** of this bill requires a licensee to notify the  
77 Executive Director in writing before establishing an additional location to practice optometry.  
78 **Section 53** of this bill prohibits an optometrist from entering into certain leases with a person  
79 who is not licensed as an optometrist. **Section 53.5** of this bill prohibits a person who is not  
80 licensed as an optometrist from supervising an optometrist or controlling, dictating or  
81 influencing the professional judgment of a licensed optometrist. **Section 54** of this bill revises  
82 the requirements for an optometrist to collaborate with an ophthalmologist. **Section 55** of this  
83 bill sets forth the manner in which service of process must be made and authorizes the  
84 transmission by electronic mail or facsimile machine any notice that is required to be given by  
85 the Board or the Executive Director of the Board to a person. **Section 56** of this bill authorizes  
86 any licensed optometrist to administer topical diagnostic ophthalmic agents. **Section 57** of this  
87 bill revises provisions governing forms for prescriptions for contact lenses and prohibits a  
88 prescription for spectacle lenses from being construed in a certain manner. **Section 59** of this  
89 bill provides that any person who is licensed under chapter 636 of NRS and who engages in  
90 certain grounds for disciplinary action is liable to the Board for an administrative fine of not  
91 more than \$5,000 for each violation.

92 **Section ~~64~~ 65** of this bill repeals certain provisions governing the practice of optometry.

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

1 **Section 1.** Chapter 636 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 4.5, inclusive, of this act.

3 **Sec. 2.** *“Pharmaceutical agent” means any topical or oral drug used or*  
4 *prescribed by a licensee for the examination, management or treatment of an*  
5 *abnormality, disease or condition of the eye or its appendages, including, without*  
6 *limitation, any analgesic drug subject to the requirements of NRS 636.2882 or*  
7 *added to schedule III, schedule IV or schedule V by the State Board of Pharmacy*  
8 *by regulation pursuant to NRS 453.146. The term does not include any drug or*  
9 *other substance added to schedule I or schedule II by the State Board of*  
10 *Pharmacy pursuant to that section.*

11 **Sec. 3. 1.** *In any setting where optometry is practiced, an assistant may fit*  
12 *ophthalmic lenses or spectacle lenses if the assistant acts under the direct*  
13 *supervision of a licensed optometrist.*

1           2. *In addition to the provisions of subsection 1, an assistant in any setting*  
2 *where optometry is practiced may perform any of the following activities under*  
3 *the direct supervision of a licensed optometrist:*

4           (a) *Prepare a patient for examination.*

5           (b) *Collect preliminary data concerning a patient, including taking the*  
6 *medical history of the patient.*

7           (c) *Perform simple and noninvasive testing of a patient in preparation for*  
8 *any subjective refraction, testing, evaluation, interpretation, diagnosis or*  
9 *treatment of the patient by the licensed optometrist.*

10           (d) *For an ophthalmic purpose, administer any cycloplegic or mydriatic*  
11 *agent or topical anesthetic that is not a controlled substance.*

12           (e) *Use an ophthalmic device or oversee ocular exercises, visual training,*  
13 *visual therapy or visual rehabilitation as directed by a licensed optometrist.*

14           3. *If an assistant conducts any activities pursuant to subsection 2, the*  
15 *licensed optometrist must conduct the final eye examination of the patient.*

16           4. *As used in this section, "assistant" means a person employed by an*  
17 *optometrist or any medical provider or medical facility at which the optometrist*  
18 *provides or offers to provide his or her services as an optometrist.*

19           **Sec. 4.** *1. Notwithstanding any provision of this chapter to the contrary, a*  
20 *licensee, nonprofit or charitable organization, governmental agency or school in*  
21 *this State who obtains a certificate pursuant to this section may own or operate a*  
22 *mobile optometry clinic pursuant to this section. An application for the issuance*  
23 *or renewal of a certificate to own or operate the clinic must be submitted on a*  
24 *form approved by the Board and include any fees established by the Board*  
25 *pursuant to subsection 4. As soon as practicable after receiving an application*  
26 *and the appropriate fees, the Board shall approve or deny the application based*  
27 *upon the criteria established by the Board pursuant to subsection 4. A certificate*  
28 *issued to own or operate a mobile optometry clinic must be renewed on or before*  
29 *March 1 of each even-numbered year.*

30           2. *A certified mobile optometry clinic may include any equipment required*  
31 *to operate the clinic, including, without limitation, a motor vehicle or a motor*  
32 *vehicle and trailer which may be moved from one location to another. Any*  
33 *optometric services available at the clinic must be provided under the direction*  
34 *and control of a licensee. Any final examination of a patient at the mobile*  
35 *optometry clinic must be completed by the licensee.*

36           3. *A certified mobile optometry clinic may only provide optometric services*  
37 *to:*

38           (a) *Governmental agencies;*

39           (b) *Patients with impaired or restricted mobility;*

40           (c) *Members of low-income and other medically underserved groups in the*  
41 *State; and*

42           (d) *Academic programs.*

43           4. *The Board shall adopt:*

44           (a) *Regulations setting forth:*

45               (1) *The requirements for the issuance and renewal of a certificate to*  
46 *operate a mobile optometry clinic; and*

47               (2) *The amount of the fees for the issuance and renewal of the*  
48 *certificate; and*

49           (b) *Any other regulations necessary to carry out the provisions of this*  
50 *section.*

51           **Sec. 4.5.** *1. The Board may issue a certificate by endorsement to treat a*  
52 *person diagnosed with glaucoma to an applicant who meets the requirements of*  
53 *this section.*

1           2. *An applicant for a certificate by endorsement must submit an application*  
2 *to the Executive Director in a form prescribed by the Board. The application must*  
3 *include the following information:*

4           (a) *Proof satisfactory to the Board that the applicant:*

5           (1) *Holds a valid and unrestricted certificate or other credential approved*  
6 *by the Board to engage in the treatment of a person with glaucoma issued in any*  
7 *state, the District of Columbia, the Commonwealth of Puerto Rico or any other*  
8 *territory or possession of the United States which the Board has determined was*  
9 *issued in accordance with requirements that are substantially similar to those*  
10 *applicable to the issuance of a certificate to treat persons diagnosed with*  
11 *glaucoma in this State pursuant to NRS 636.2893; and*

12           (2) *Has had no adverse actions reported to the National Practitioner*  
13 *Data Bank, or its successor organization, within the past 5 years;*

14           (b) *An affidavit stating that the information set forth in the application and*  
15 *any accompanying material is true and correct; and*

16           (c) *Any other information required by the Board.*

17           3. *Not later than 15 business days after receiving an application for a*  
18 *certificate by endorsement to treat a person diagnosed with glaucoma, the*  
19 *Executive Director shall provide a written notice to the applicant if any additional*  
20 *information is required to consider the application. Unless the application is*  
21 *denied for good cause, the Board shall approve the application and issue a*  
22 *certificate to treat a person diagnosed with glaucoma by endorsement within 45*  
23 *days after receiving the application.*

24           **Sec. 5.** NRS 636.015 is hereby amended to read as follows:

25           636.015 As used in this chapter, unless the context otherwise requires, the  
26 words and terms defined in NRS 636.016 to ~~636.024,~~ 636.023, inclusive, *and*  
27 *section 2 of this act* have the meanings ascribed to them in those sections.

28           **Sec. 6.** NRS 636.016 is hereby amended to read as follows:

29           636.016 “Advertise” means the commercial use of any medium, including,  
30 but not limited to, *any brochures or business cards*, the *Internet*, radio or  
31 television, or a newspaper, magazine, sign or other printed ~~matter,~~ *or electronic*  
32 *medium*, by an optometrist to bring the services or materials offered by the  
33 optometrist to the attention of members of the general public.

34           **Sec. 7.** NRS 636.018 is hereby amended to read as follows:

35           636.018 “Contact lens” means an ophthalmic lens prescribed for application  
36 on the anterior surface of the eye. *The term includes any plano lens or cosmetic*  
37 *lens.*

38           **Sec. 8.** NRS 636.019 is hereby amended to read as follows:

39           636.019 “Diagnostic pharmaceutical agents” means ~~topical ophthalmic~~  
40 ~~anesthetics and topical cycloplegics, miotics and mydriatics,~~ *any topical or oral*  
41 *agents used to examine and diagnose conditions of the eye or adnexa.*

42           **Sec. 9.** NRS 636.022 is hereby amended to read as follows:

43           636.022 “Prescription” means:

44           1. An order given individually for the person for whom prescribed, directly  
45 from a licensed optometrist who is certified to prescribe and administer  
46 ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288, or his or her agent,  
47 to a pharmacist or indirectly by means of an order signed by the licensed  
48 optometrist or an electronic transmission from the licensed optometrist to a  
49 pharmacist; or

50           2. A written direction from a licensed optometrist to:

51           (a) Prepare an ophthalmic lens for a patient; or

52           (b) Dispense a prepackaged contact lens that does not require any adjustment,  
53 modification or fitting.

1       **Sec. 10.** NRS 636.025 is hereby amended to read as follows:

2       636.025 1. The acts set forth in this section, or any of them, whether done  
3 severally, collectively or in combination with other acts that are not set forth in this  
4 section constitute practice in optometry within the purview of this chapter:

5       (a) Advertisement or representation as an optometrist.

6       (b) Adapting, or prescribing or dispensing, without prescription by a  
7 practitioner of optometry or medicine licensed in this State, any ophthalmic lens,  
8 frame or mounting, or any part thereof, for correction, relief or remedy of any  
9 abnormal condition or insufficiency of the eye or any appendage or visual process.  
10 The provisions of this paragraph do not prevent an optical mechanic from doing the  
11 mere mechanical work of replacement or duplication of the ophthalmic lens or  
12 prevent a licensed dispensing optician from engaging in the practice of ophthalmic  
13 dispensing.

14       (c) The examination , *evaluation, diagnosis and treatment* of the human eye  
15 and its appendages, the measurement of the powers or range of human vision ~~[ ]~~ *by*  
16 *any means, including, without limitation, the use of an autorefractor or other*  
17 *automated testing device, unless performed under the direct responsibility of a*  
18 *licensed optometrist as authorized in section 3 of this act*, the determination of the  
19 accommodative and refractive states of the eye or the scope of its function in  
20 general, or the diagnosis or determination of any visual, muscular, neurological,  
21 interpretative or anatomic anomalies or deficiencies of the eye or its appendages or  
22 visual processes.

23       (d) Prescribing, directing the use of or using any optical device in connection  
24 with ocular exercises, orthoptics , *vision rehabilitation, vision therapy* or visual  
25 training.

26       (e) The prescribing of contact lenses.

27       (f) The measurement, *initial* fitting , *as defined in NRS 636.387*, or adaptation  
28 of contact lenses to the human eye except under the direction , *responsibility* and  
29 supervision of ~~[a physician, surgeon or]~~ *an* optometrist licensed in the State of  
30 Nevada ~~[ ]~~ *as authorized in section 3 of this act*.

31       (g) The topical use of ~~[diagnostic]~~ pharmaceutical agents to determine any  
32 visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies  
33 of the eye or its appendages or visual processes.

34       (h) Prescribing, directing the use of or using a ~~[therapeutic]~~ pharmaceutical  
35 agent *or device* to treat an abnormality of the eye or its appendages.

36       (i) Removing a foreign object from the surface or epithelium of the eye.

37       (j) *Removing eyelashes with forceps.*

38       (k) *Closing the lacrimal punctum of the eye.*

39       (l) The ordering *or performing* of laboratory tests *or imaging* to assist in the  
40 diagnosis of an abnormality of the eye or its appendages.

41       2. The provisions of this section do not authorize an optometrist to engage in  
42 any practice which includes:

43       (a) ~~[The incision or suturing of the eye or its appendages;]~~ *Any procedure*  
44 *using a laser, scalpel, needle or other instrument in which any human tissue is*  
45 *cut, burned or vaporized by incision, injection, ultrasound, laser, infusion,*  
46 *cryotherapy, radiation or other means;* or

47       (b) ~~[The use of lasers for surgical purposes.]~~ *Any procedure using an*  
48 *instrument which requires the closure of human tissue by suture, clamp or*  
49 *similar device.*

50       **Sec. 10.5.** NRS 636.027 is hereby amended to read as follows:

51       636.027 This chapter ~~[shall]~~ :



1 **1. Applies to any person who is licensed to practice optometry pursuant to**  
2 **this chapter and any other person engaged in the practice of optometry in this**  
3 **State.**

4 **2. Must** not be construed to apply to physicians and surgeons duly licensed to  
5 practice in this State.

6 **Sec. 11.** NRS 636.028 is hereby amended to read as follows:

7 636.028 1. Except as provided in subsection 2, a person is exempt from the  
8 provisions of this chapter regulating the practice of optometry if the person is  
9 engaged in a clinical program of a school or college of optometry accredited by the  
10 Board and if the person is ~~[-~~

11 ~~—(a) A] a student who is enrolled in a clinical program of an undergraduate or~~  
12 ~~graduate course of study in optometry at such a school or college [-or~~

13 ~~—(b) Licensed to practice optometry in another state and is employed as a~~  
14 ~~clinician or instructor at such a school or college.] and who has not received a~~  
15 ~~degree of doctor of optometry.~~

16 2. A person who is employed as a clinician or instructor and who engages in  
17 the practice of optometry in this State is required to be licensed by the Board.

18 **Sec. 12.** NRS 636.080 is hereby amended to read as follows:

19 636.080 1. ~~[-Within a reasonable time after the appointment of a new~~  
20 ~~member.] At the first meeting of the Board held each fiscal year,~~ the Board shall  
21 meet and organize by electing from its membership a President who shall hold  
22 office for 1 year and until the election and qualification of his or her successor.

23 2. The Board shall appoint an Executive Director who serves at the pleasure  
24 of the Board and is entitled to receive compensation as set by the Board. The  
25 Executive Director must not be a member of the Board. If a vacancy occurs in the  
26 position of Executive Director, the Board may appoint one of its members to  
27 perform the duties of the Executive Director until the position is filled. A member  
28 of the Board who is appointed to perform the duties of the Executive Director is not  
29 entitled to receive any ~~[-additional]~~ compensation for performing those duties.

30 **Sec. 13.** NRS 636.085 is hereby amended to read as follows:

31 636.085 ~~[-]~~ The Executive Director shall ~~[-, before undertaking the duties of~~  
32 ~~Executive Director, make and deliver to the Governor a good and sufficient bond~~  
33 ~~payable to the State of Nevada for the benefit of the Board, in the amount~~  
34 ~~designated by the Board, conditioned upon the faithful performance of his or her~~  
35 ~~duties as Executive Director. The Executive Director shall file a copy of the bond~~  
36 ~~with the Board.~~

37 ~~— 2. The Executive Director shall]~~ receive, maintain and disburse money on  
38 behalf of the Board and shall perform all duties imposed upon him or her pursuant  
39 to the provisions of this chapter and such other duties as the Board may prescribe.

40 **Sec. 14.** NRS 636.090 is hereby amended to read as follows:

41 636.090 1. The Board may employ:

42 (a) Agents and inspectors to secure evidence of, and report on, violations of  
43 this chapter.

44 (b) Attorneys, investigators, *consultants* and other professional ~~[-consultants]~~  
45 and clerical personnel necessary to administer this chapter.

46 2. The Attorney General may act as counsel for the Board subject to the  
47 provisions of NRS 622A.200.

48 **Sec. 15.** NRS 636.107 is hereby amended to read as follows:

49 636.107 1. Except as otherwise provided in this section and NRS 239.0115,  
50 a complaint filed with the Board, all documents and other information filed with the  
51 complaint and all documents and other information compiled as a result of an  
52 investigation conducted to determine whether to initiate disciplinary action are  
53 confidential ~~[-]~~ **unless the person against whom the complaint is filed submits a**

1 *written statement to the Board requesting that the documents and other*  
 2 *information be made public records.*

3 2. The ~~{complaint or other}~~ *charging* document ~~{filed by}~~ the Board *uses* to  
 4 initiate disciplinary action *pursuant to chapter 622A of NRS* and all documents  
 5 and information considered by the Board when determining whether to impose  
 6 discipline are public records.

7 3. *The provisions of this section do not prohibit the Board from*  
 8 *communicating or cooperating with or providing any documents or other*  
 9 *information in the Board's possession concerning a licensee or pending*  
 10 *investigation to any other licensing board or any other governmental agency that*  
 11 *is investigating a person, including, without limitation, a law enforcement*  
 12 *agency, agency of the federal government, licensing board in this State or any*  
 13 *other state or territory of the United States. If any confidential information*  
 14 *concerning an investigation is provided to another governmental agency*  
 15 *pursuant to this section, the information remains confidential and may not be*  
 16 *provided to any other person or governmental agency. To the extent practicable,*  
 17 *any governmental agency that receives any confidential information from the*  
 18 *Board pursuant to this section shall treat the information as confidential.*

19 **Sec. 16.** (Deleted by amendment.)

20 **Sec. 17.** NRS 636.120 is hereby amended to read as follows:

21 636.120 ~~{Once each year, the}~~ *The* Board shall *periodically* prepare and  
 22 ~~{distribute}~~ *make available* to all licensees a roster containing their names and  
 23 *mailing* addresses.

24 **Sec. 18.** NRS 636.125 is hereby amended to read as follows:

25 636.125 The Board may adopt *policies* ~~{rules}~~ and regulations necessary to  
 26 carry out the provisions of this chapter.

27 **Sec. 19.** NRS 636.135 is hereby amended to read as follows:

28 636.135 The Board shall accredit schools , *or approve the accreditation of*  
 29 *schools by any nationally recognized accrediting organization or agency,* in and  
 30 out of this State teaching the science and art of optometry which it finds ~~{are~~  
 31 ~~{giving}~~ *provide* a sufficient and thorough course of study for the preparation of  
 32 optometrists.

33 **Sec. 20.** NRS 636.143 is hereby amended to read as follows:

34 636.143 ~~{1. The}~~ *At least once every 2 years, the* Board shall *review and, if*  
 35 *the Board deems it necessary,* establish *or revise,* within the limits prescribed a  
 36 schedule of fees for the following purposes:

37 ~~{Not less than — Not more than}~~

38			
39			
40	Examination.....	\$100	\$500
41	Reexamination.....	100	500
42	Issuance of each license or		
43	duplicate license, including a		
44	license by endorsement.....	35	75
45	Renewal of each license or		
46	duplicate license.....	100	500
47	Issuance of a license for an		
48	extended clinical facility.....	100	500
49	Issuance of a replacement renewal		
50	card for a license.....	10	50

~~2. If an applicant submits an application for a license by endorsement pursuant to NRS 636.207, the Board shall collect not more than one half of the fee established pursuant to subsection 1 for the initial issuance of the license.~~

*Not more than*

1. Examinations .....	\$250
2. Applications for the issuance of a 1-year license .....	\$600
3. Renewal of a license .....	\$1,200
4. Granting certification or issuing certificates .....	\$1,000
5. Licensing of extended clinical facilities and other practice locations .....	\$500
6. Individually verifying licensure or disciplinary status .....	\$100
7. Late fee .....	\$1,000
8. Any other service provided by the Board pursuant to this chapter .....	\$1,000

**Sec. 21.** NRS 636.145 is hereby amended to read as follows:

636.145 1. A person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. *The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.*

3. In addition to any other penalty prescribed by law, if the Board, *after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS,* determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist *from the practice of optometry* until the person obtains *a license* from the Board. ~~[the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.]~~

(b) Issue a citation to the person. ~~[A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.]~~

~~(c) Assess against the person an administrative fine as provided in NRS 636.420.~~

~~(d) (c) Impose any combination of the penalties set forth in paragraphs (a) [ ] and (b). [and (c).]~~

4. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.*

5. *Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.*

1       **Sec. 22.** NRS 636.150 is hereby amended to read as follows:

2       636.150 Except as otherwise provided in NRS 636.206 and 636.207, any  
3 person applying for a license to practice optometry in this State must:

- 4       1. File proof of his or her qualifications;
- 5       2. ~~Make application for an examination;~~
- 6       ~~3.] Take and pass [the] each examination [;~~
- 7       ~~4.] identified, administered or approved by the Board;~~
- 8       3. Pay the prescribed fees; and
- 9       ~~5.] 4.~~ 4. Verify that all the information he or she has provided to the Board or
- 10 to any other entity pursuant to the provisions of this chapter is true and correct.

11       **Sec. 23.** NRS 636.155 is hereby amended to read as follows:

12       636.155 Except as otherwise provided in NRS 636.206 and 636.207, an  
13 applicant must file with the Executive Director satisfactory proof that the applicant:

- 14       1. Is at least 21 years of age;
- 15       2. Is a citizen of the United States or is lawfully entitled to reside and work in
- 16 this country;
- 17       3. ~~Is of good moral character;~~
- 18       ~~4. Has been certified or recertified as completing a course of cardiopulmonary~~
- 19 ~~resuscitation within the 12-month period immediately preceding the examination~~
- 20 ~~for licensure; and~~

21       ~~5.] Has graduated from a school of optometry accredited *or approved* by the~~  
22 ~~[established professional agency and the Board, maintaining a standard of 6 college~~  
23 ~~years, and including, as a prerequisite to admission to the courses in optometry, at~~  
24 ~~least 2 academic years of study in a college of arts and sciences accredited by the~~  
25 ~~Association of American Universities or a similar regional accrediting agency.]~~  
26 **Board pursuant to NRS 636.135;**

27       4. *Has passed each part of the comprehensive national optometry*  
28 *examination administered by the National Board of Examiners in Optometry or*  
29 *its successor;*

30       5. *Has passed each examination identified, administered or approved by the*  
31 *Nevada State Board of Optometry pursuant to NRS 636.150; and*

32       6. *Has not been disciplined for harming a patient as a licensed optometrist*  
33 *in another state.*

34       **Sec. 24.** NRS 636.170 is hereby amended to read as follows:

35       636.170 ~~1.] The Board shall:~~

36       ~~(a) Conduct a regular annual examination, and may conduct a special~~  
37 ~~examination when it deems that circumstances warrant such examination.~~

38       ~~(b) Fix and announce the time and place of any examination at least 30 days~~  
39 ~~prior to the day when it is to be commenced.~~

40       ~~2.] The member of the Board who is a representative of the general public~~  
41 ~~shall not participate in preparing, conducting or grading any examination required~~  
42 ~~by the Board.~~

43       **Sec. 25.** NRS 636.180 is hereby amended to read as follows:

44       636.180 An examination must:

45       1. Be practical in character and design as determined by the Board;

46       2. Test the fitness of the examinee to practice optometry; *and*

47       3. Be prepared and administered by the Board or a testing agency that has  
48 been designated by the Board to conduct its examinations . ~~;~~ *and*

49       ~~4. Be conducted in the English language.]~~

50       **Sec. 26.** NRS 636.190 is hereby amended to read as follows:

51       636.190 Except as otherwise provided in NRS 622.090, a grade of ~~[75]~~ *70* or  
52 higher for each area tested ~~[on the examination]~~ is required to pass ~~[an]~~ *the*  
53 examination.

1       **Sec. 27.** NRS 636.215 is hereby amended to read as follows:

2       636.215 The Board shall execute a license for each person who has satisfied  
3 the requirements of NRS 636.150, **636.155**, 636.206 or 636.207 and submitted all  
4 information **and fees** required to complete an application for a license. A license  
5 must:

6       1. Certify that the licensee has been examined and found qualified to practice  
7 optometry in this State; and

8       2. ~~Be signed by each member~~ **Bear the signatures** of the **President of the**  
9 **Board** ~~and the Executive Director~~.

10       **Sec. 28.** NRS 636.227 is hereby amended to read as follows:

11       636.227 1. The Board may grant a license to an accredited school or college  
12 of optometry to establish an extended clinical facility for the treatment of visual  
13 disorders and shall adopt reasonable regulations and establish procedures for such  
14 purpose. If a license is granted, it is effective ~~for~~ only ~~for~~ **until February 28 of the**  
15 **next even-numbered** year unless renewed by the Board ~~upon payment of the fee~~  
16 **for the renewal of the license established pursuant to NRS 636.143.**

17       2. An accredited school or college of optometry which desires to establish an  
18 extended clinical facility for the treatment of visual disorders in this State must  
19 apply to the Board for a license, and the application must contain the following  
20 information:

21       (a) The name and address of the proposed facility;

22       (b) The date when the school or college desires to commence operation of the  
23 facility;

24       (c) A brief description of the facility and of the equipment which will be  
25 available for use there;

26       (d) The kinds of optometric services to be rendered; and

27       (e) The name and address of each instructor or clinician to be employed at the  
28 facility, his or her academic qualifications and any licenses which entitle the  
29 instructor or clinician to practice optometry in this or any other state.

30       3. Every school or college of optometry which operates a licensed facility in  
31 this State shall notify the Board if the school or college changes its instructors or  
32 clinicians, the location of the facility or the content of a clinical program.

33       4. Nothing in this section authorizes a licensed optometrist to engage in any  
34 acts which are beyond the scope of his or her license issued in accordance with the  
35 provisions of this chapter.

36       5. For the purposes of this section, “extended clinical facility for the treatment  
37 of visual disorders” means a clinical facility which renders optometric services and  
38 is operated by an accredited school or college of optometry, but which is located  
39 beyond the boundaries of the principal campus of the school or college.

40       **Sec. 29.** NRS 636.250 is hereby amended to read as follows:

41       636.250 A license issued under this chapter or any former law must be  
42 renewed pursuant to the provisions of NRS 636.250 to 636.285, inclusive, before  
43 March 1 of each **even-numbered** year.

44       **Sec. 30.** NRS 636.255 is hereby amended to read as follows:

45       636.255 The Executive Director shall ~~mail~~ **provide** a notice of **the deadline**  
46 **for the renewal of a license** to each licensee before February 1 of each **even-**  
47 **numbered** year. The failure of the Executive Director to notify a licensee does not  
48 excuse the licensee from the requirements of NRS 636.250.

49       **Sec. 31.** NRS 636.260 is hereby amended to read as follows:

50       636.260 1. Before March 1 of each **even-numbered** year, each licensee shall  
51 pay a renewal fee to the Executive Director in the amount ~~specified in~~ **established**  
52 **pursuant to** NRS 636.143. For the purposes of this subsection, the date of the

1 postmark on any payment received by mail shall be deemed to be the date of receipt  
2 by the Executive Director.

3 2. The renewal fee must be accompanied by satisfactory evidence that the  
4 licensee has, within the immediately preceding ~~{12-month}~~ **24-month** period,  
5 completed the required number of hours in a course or courses of continuing  
6 education that have been approved by the Board. This evidence must be indicated  
7 on the form for proof of completion of continuing education that is furnished by the  
8 Board. The Board shall not require a licensee to complete more than ~~{24}~~ **40** hours  
9 of continuing education during each ~~{year.}~~ **period of renewal**. The Board may  
10 waive the requirement that a licensee complete all or part of the required number of  
11 hours of continuing education upon good cause shown by the licensee.

12 3. A licensee who is certified to administer and prescribe ~~{therapeutic}~~  
13 pharmaceutical agents pursuant to NRS 636.288 must, at the time of paying the  
14 renewal fee, present evidence satisfactory to the Executive Director that, during the  
15 ~~{12}~~ **24** months immediately preceding the payment of the renewal fee, the licensee  
16 completed an educational or postgraduate program approved by the Board. The  
17 Board shall establish the number of hours for completion of the program which  
18 must be not less than ~~{30}~~ **50** hours nor more than ~~{50}~~ **100** hours.

19 **Sec. 32.** NRS 636.265 is hereby amended to read as follows:

20 636.265 Upon payment of the renewal fee, submission of evidence of  
21 completion of the required number of hours of continuing education and  
22 submission of all information required to complete the renewal, the Executive  
23 Director shall execute and issue a renewal card for the licensee to the licensee,  
24 certifying that the license has been renewed for a ~~{12-month}~~ **24-month** period  
25 beginning March 1 of each **even-numbered** year. The renewal card must indicate  
26 the address of the place of the licensee's practice for which the card is issued and be  
27 displayed prominently at that location. The renewal card must be signed by the  
28 Executive Director . ~~{and sealed with the seal of the Board.}~~

29 **Sec. 33.** NRS 636.270 is hereby amended to read as follows:

30 636.270 If a licensee fails to comply with the provisions of NRS 636.260 on  
31 or before the prescribed date, the license must be suspended effective March 1 ~~{of}~~  
32 **the year of the prescribed date** and must remain suspended until it is restored in the  
33 manner specified in NRS 636.275 ~~{or expires pursuant to that section,~~  
34 **whichever occurs first.**

35 **Sec. 34.** NRS 636.275 is hereby amended to read as follows:

36 636.275 1. A license which has been suspended for failure of the licensee to  
37 pay the ~~{annual}~~ renewal fee , ~~{or}~~ to submit all information required to complete  
38 the renewal **or to submit evidence of completion of the required number of hours**  
39 **of continuing education** may be restored at any time ~~{during the calendar year}~~  
40 **within 90 days after the suspension of the license** upon the licensee:

41 (a) Paying the ~~{annual}~~ renewal fee;

42 (b) Paying ~~{the Executive Director}~~ a ~~{nonrenewal penalty}~~ **late fee** in the  
43 amount prescribed by ~~{NRS 636.285; and}~~ **the Board;**

44 (c) Submitting all required information ~~{~~

45 ~~— 2. — A license which has been suspended for failure of the licensee to submit~~  
46 ~~evidence of completion of}~~ ; **and**

47 **(d) Completing** the required number of hours of continuing education . ~~{may~~  
48 ~~be restored upon the licensee completing the continuing education, if such~~  
49 ~~completion occurs during the calendar year in which the suspension has occurred.~~

50 ~~— 3. —~~ 2. Any license suspended pursuant to the provisions of NRS 636.270  
51 ~~{must be revoked at the end of the calendar year during which it was suspended}~~  
52 **expires 91 days after the suspension of the license** unless the license is restored  
53 pursuant to subsection 1 . ~~{or 2.}~~

1       **Sec. 35.** NRS 636.286 is hereby amended to read as follows:

2       636.286 An optometrist shall not administer or prescribe a ~~{therapeutic}~~  
3 pharmaceutical agent *other than a diagnostic pharmaceutical agent* unless the  
4 optometrist has obtained a certificate pursuant to NRS 636.288.

5       **Sec. 36.** NRS 636.287 is hereby amended to read as follows:

6       636.287 The Board shall adopt regulations which prescribe the requirements  
7 for certification to administer and prescribe ~~{therapeutic}~~ pharmaceutical agents  
8 pursuant to NRS 636.288. The requirements must include:

9       1. A license to practice optometry in this State;

10       2. The successful completion of the "Treatment and Management of Ocular  
11 Disease Examination" administered by the National Board of Examiners in  
12 Optometry ~~[on or after January 1, 1993,]~~ or an equivalent examination approved by  
13 the Board; and

14       3. The successful completion of not fewer than 40 hours of clinical training in  
15 administering and prescribing ~~{therapeutic}~~ pharmaceutical agents in a training  
16 program which is conducted by an ophthalmologist and approved by the Board.

17       **Sec. 37.** NRS 636.288 is hereby amended to read as follows:

18       636.288 The Board shall provide to:

19       1. Each optometrist who has complied with the requirements adopted by the  
20 Board pursuant to NRS 636.287, a certificate to administer and prescribe  
21 ~~{therapeutic}~~ pharmaceutical agents.

22       2. The State Board of Pharmacy the name of each optometrist it certifies  
23 pursuant to this section.

24       **Sec. 38.** NRS 636.2881 is hereby amended to read as follows:

25       636.2881 The Board shall, by regulation, require each optometrist who is  
26 certified to administer and prescribe ~~{therapeutic}~~ pharmaceutical agents pursuant  
27 to NRS 636.288 and who is registered to dispense controlled substances pursuant to  
28 NRS 453.231 to complete at least 2 hours of training relating specifically to the  
29 misuse and abuse of controlled substances, the prescribing of opioids or addiction  
30 during each period of licensure. Any licensee may use such training to satisfy 2  
31 hours of any continuing education requirement established by the Board.

32       **Sec. 39.** NRS 636.2882 is hereby amended to read as follows:

33       636.2882 An optometrist who is certified to administer and prescribe a  
34 ~~{therapeutic}~~ pharmaceutical agent pursuant to NRS 636.288 shall not prescribe ~~[an  
35 analgesic of hydrocodone with compounds, codeine with compounds or  
36 propoxyphene with compounds]~~ *a controlled substance* unless the optometrist:

37       1. Has completed an optometric examination of the patient for whom the  
38 ~~{therapeutic pharmaceutical agent}~~ *controlled substance* is prescribed;

39       2. Prescribes the ~~{therapeutic pharmaceutical agent}~~ *controlled substance* in  
40 an amount that *does not exceed 90 morphine milligram equivalents per day and*  
41 *will not last more than 72 hours; and*

42       3. Sets forth in the prescription for the ~~{therapeutic pharmaceutical agent}~~  
43 *controlled substance* that the prescription may not be refilled ~~{}~~ *without a*  
44 *subject examination of the patient by the optometrist.*

45       **Sec. 40.** NRS 636.2891 is hereby amended to read as follows:

46       636.2891 1. An optometrist shall not treat a person diagnosed with  
47 glaucoma unless the optometrist has been issued a certificate by the Board pursuant  
48 to NRS 636.2895 ~~{}~~ *or certification by endorsement pursuant to section 4.5 of*  
49 *this act.*

50       2. An optometrist ~~[who]~~, *regardless of whether he or she* has been issued a  
51 certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895 *or*  
52 *certification by endorsement pursuant to section 4.5 of this act*, shall refer a

1 patient diagnosed with glaucoma to an ophthalmologist for treatment if any one of  
2 the following is applicable:

3 (a) The patient is under 16 years of age.

4 (b) The patient has been diagnosed with ~~malignant~~ *any type of* glaucoma ~~for~~  
5 ~~neovascular~~ *other than open angle* glaucoma.

6 (c) The patient has been diagnosed with acute closed angle glaucoma. The  
7 provisions of this paragraph do not prohibit the optometrist from administering *any*  
8 appropriate, *non-surgical* emergency treatment to the patient.

9 ~~[(d) The patient's glaucoma is caused by diabetes, and, after joint consultation~~  
10 ~~with a physician who is treating the diabetes and an ophthalmologist, the physician~~  
11 ~~or ophthalmologist determines that the patient should be treated by an~~  
12 ~~ophthalmologist. If an optometrist determines that a patient's glaucoma is caused~~  
13 ~~by diabetes, the optometrist shall consult with a physician and ophthalmologist in~~  
14 ~~the manner provided in this paragraph.]~~

15 **Sec. 41.** NRS 636.2893 is hereby amended to read as follows:

16 636.2893 The Board shall adopt regulations that prescribe the requirements  
17 for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant  
18 to NRS 636.2895. The requirements must include, without limitation:

19 1. A license to practice optometry in this State;

20 2. The successful completion of the "Treatment and Management of Ocular  
21 Disease Examination" administered by the National Board of Examiners in  
22 Optometry ~~[on or after January 1, 1993,]~~ or an equivalent examination approved by  
23 the Board; ~~and]~~

24 3. Proof that each optometrist who applies for a certificate has treated at least  
25 15 persons who were:

26 (a) Diagnosed with glaucoma by an ophthalmologist licensed in this State; and

27 (b) Treated by the optometrist, in consultation with that ophthalmologist, for at  
28 least 12 consecutive months ~~[-]; and~~

29 *4. A certificate to administer and prescribe pharmaceutical agents issued*  
30 *pursuant to NRS 636.288.*

31 **Sec. 41.5.** NRS 636.290 is hereby amended to read as follows:

32 636.290 *1.* Any person licensed pursuant to the provisions of this chapter or  
33 engaged in the unlawful practice of optometry without a license may be disciplined  
34 by the Board for cause in the manner specified in this chapter. *A person licensed to*  
35 *practice optometry in this State is subject to the jurisdiction of the Board for any*  
36 *act specified in this chapter, regardless of whether the license is expired,*  
37 *suspended or revoked.*

38 *2. Unless the Board takes action pursuant to NRS 636.325, the Board may*  
39 *discipline a licensee for a violation of any provision of this chapter or regulation*  
40 *adopted pursuant to this chapter in one or more of the following ways, with or*  
41 *without the imposition by the Board of a monetary penalty:*

42 (a) *Issuing a letter of public reprimand;*

43 (b) *Issuing an order to cease and desist;*

44 (c) *Issuing an order of probation for a specified period, with or without*  
45 *conditions;*

46 (d) *Issuing an order of suspension for a specified period, with or without*  
47 *conditions; or*

48 (e) *Issuing an order of revocation, with or without permission to apply for*  
49 *licensure at a future date.*

50 **Sec. 42.** NRS 636.295 is hereby amended to read as follows:

51 636.295 The following acts, conduct, omissions, or mental or physical  
52 conditions, or any of them, committed, engaged in, omitted, or being suffered by a  
53 licensee, constitute sufficient cause for disciplinary action:



1           1. ~~[Affliction of the licensee with any communicable disease likely to be~~  
2 ~~communicated to other persons.~~

3           ~~—2.]~~ Commission by the licensee of a felony relating to the practice of  
4 optometry or a gross misdemeanor involving moral turpitude of which the licensee  
5 has been convicted and from which he or she has been sentenced by a final  
6 judgment of a federal or state court in this or any other state, the judgment not  
7 having been reversed or vacated by a competent appellate court and the offense not  
8 having been pardoned by executive authority.

9           ~~[3. Conviction of any of the provisions of NRS 616D.200, 616D.220,~~  
10 ~~616D.240 or 616D.300 to 616D.440, inclusive.~~

11           ~~—4.]~~ 2. Commission of fraud by or on behalf of the licensee in obtaining a  
12 license or a renewal thereof, or in practicing optometry thereunder.

13           ~~[5.]~~ 3. Habitual drunkenness or addiction to any controlled substance.

14           ~~[6.]~~ 4. Gross incompetency.

15           ~~[7.]~~ 5. Affliction with any mental or physical disorder or disturbance  
16 seriously impairing his or her competency as an optometrist.

17           ~~[8.]~~ 6. Making false or misleading representations, by or on behalf of the  
18 licensee, with respect to optometric materials or services.

19           ~~[9.]~~ 7. Practice by the licensee, or attempting or offering so to do, while in an  
20 intoxicated condition.

21           ~~[10.]~~ 8. Perpetration of unethical or unprofessional conduct in the practice of  
22 optometry.

23           ~~[11. Knowingly procuring or administering a controlled substance or a~~  
24 ~~dangerous drug as defined in chapter 454 of NRS that is not approved by the United~~  
25 ~~States Food and Drug Administration, unless the unapproved controlled substance~~  
26 ~~or dangerous drug:~~

27           ~~—(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of~~  
28 ~~NRS;~~

29           ~~—(b) Was procured through a Canadian pharmacy which is licensed pursuant to~~  
30 ~~chapter 639 of NRS and which has been recommended by the State Board of~~  
31 ~~Pharmacy pursuant to subsection 4 of NRS 639.2328; or~~

32           ~~—(c) Is marijuana being used for medical purposes in accordance with chapter~~  
33 ~~453A of NRS.~~

34           ~~—12.]~~ 9. Any violation of the provisions of this chapter or any regulations  
35 adopted pursuant thereto.

36           ~~[13.]~~ 10. Operation of a medical facility, as defined in NRS 449.0151, at any  
37 time during which:

38           (a) The license of the facility is suspended or revoked; or

39           (b) An act or omission occurs which results in the suspension or revocation of  
40 the license pursuant to NRS 449.160.

41           ↳ This subsection applies to an owner or other principal responsible for the  
42 operation of the facility.

43           ~~[14. Failure to obtain any training required by the Board pursuant to NRS~~  
44 ~~636.2881.~~

45           ~~—15.]~~ 11. Failure to comply with the provisions of NRS 453.163, 453.164,  
46 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted  
47 by the State Board of Pharmacy pursuant thereto.

48           ~~[16.]~~ 12. Fraudulent, illegal, unauthorized or otherwise inappropriate  
49 prescribing, administering or dispensing of a controlled substance listed in schedule  
50 ~~[11.]~~ III or IV.

51           13. *Any violation of a state or federal law or regulation relating to or*  
52 *involving the practice of optometry, including, without limitation, a violation*  
53 *relating to:*

- 1 (a) *The organizational structure or control of any optometric practice or*
- 2 *entity;*
- 3 (b) *The maintenance, availability or distribution of any medical record of a*
- 4 *patient;*
- 5 (c) *The improper disclosure of any protected information of a patient; and*
- 6 (d) *Fraud.*

7 **Sec. 43.** NRS 636.300 is hereby amended to read as follows:

8 636.300 The following acts, among others, constitute unethical or  
9 unprofessional conduct:

10 1. Association as an optometrist with any person, firm or corporation  
11 violating this chapter.

12 2. Accepting employment, directly or indirectly, from a person not licensed to  
13 practice optometry in this State to assist the person in such practice or enabling the  
14 person to engage therein, except as authorized in NRS 636.347.

15 3. Signing the prescription blanks of another ~~optometrist~~ *person* or allowing  
16 another ~~optometrist~~ *person* to use his or her prescription blanks.

17 ~~[4.—Except as otherwise provided in NRS 636.372 and 636.373, practicing in  
18 or on premises where any materials other than those necessary to render optometric  
19 examinations or services are dispensed to the public, or where a business is being  
20 conducted not exclusively devoted to optometry or other healing arts and materials  
21 or merchandise are displayed having no relation to the practice of optometry or  
22 other healing arts.]~~

23 **Sec. 44.** NRS 636.301 is hereby amended to read as follows:

24 636.301 The following acts, among others, constitute unethical or  
25 unprofessional conduct:

26 1. Division of fees with another optometrist or a health maintenance  
27 organization, except where the division is made in proportion to the services  
28 performed for the patient and the responsibility assumed by each.

29 2. Division of fees or any understanding or arrangement *which is designed or*  
30 *tends to impair, influence or affect the independent judgment or practice of the*  
31 *optometrist* with any person who is not an optometrist or a health maintenance  
32 organization, unless in accordance with NRS 636.374.

33 **Sec. 45.** NRS 636.302 is hereby amended to read as follows:

34 636.302 The following acts, among others, constitute unethical or  
35 unprofessional conduct:

36 1. ~~[Making a house-to-house canvass, either in person or by another person,  
37 for advertising, selling or soliciting the sale of eyeglasses, frames, lenses,  
38 mountings, or optometric examinations or services.~~

39 ~~—2.]~~ Circulating or publishing, directly or indirectly, any false, fraudulent or  
40 misleading statement as to optometric materials or services, his or her method of  
41 practice or skill, or the method of practice or skill of any other licensee.

42 ~~[3.]~~ 2. Advertising in any manner that will tend to deceive, defraud or  
43 mislead the public.

44 ~~[4.]~~ 3. Advertising, directly or indirectly, free optometric examinations . ~~[or~~  
45 ~~services.]~~

46 **Sec. 46.** NRS 636.305 is hereby amended to read as follows:

47 636.305 1. A complaint may be made against a licensee by:

48 ~~[1.]~~ (a) An ~~agent~~ *employee* or ~~inspector employed by~~ *contractor of* the  
49 Board; *or*

50 ~~[2.]~~ (b) Any ~~other~~ licensee ~~[.]~~ or

51 ~~[3.—Any aggrieved]~~ *other* person,

1    ↘ ~~[charging]~~ *alleging* one or more ~~[of the causes]~~ *grounds* for disciplinary action  
2 ~~[with such particularity as to enable the defendant licensee to prepare a defense.] set~~  
3 ~~forth in NRS 636.295.~~

4    2. *As soon as practicable after a complaint is filed with the Board, the*  
5 *Executive Director or his or her designee shall review the complaint. If the*  
6 *Executive Director determines that the complaint is not frivolous and alleges one*  
7 *or more of the grounds for disciplinary action set forth in NRS 636.295, the*  
8 *Board, through the Executive Director, shall cause the complaint to be*  
9 *investigated.*

10    3. *The Board shall retain each complaint received pursuant to this section*  
11 *for not less than 10 years, including, without limitation, any complaint which is*  
12 *not acted upon.*

13    **Sec. 47.** NRS 636.310 is hereby amended to read as follows:

14    636.310 1. A complaint ~~[must]~~ :

15    (a) *Must* be made in writing ~~[The original complaint and two copies must be~~  
16 ~~filed with the Executive Director. A complaint may]~~ *and be signed and sworn to or*  
17 *affirmed by the person making it.*

18    (b) *May not* be filed anonymously ~~[If a complaint is filed anonymously, the~~  
19 ~~Board may accept the complaint but may refuse to consider the complaint if~~  
20 ~~anonymity of the complainant makes processing the complaint impossible or unfair~~  
21 ~~to the person who is the subject of the complaint.],~~ *except that the identity of the*  
22 *complainant must remain confidential upon request by the complainant and until*  
23 *the complainant waives that confidentiality.*

24    2. *If the Executive Director or his or her designee determines that a*  
25 *complaint filed with the Board relates to any matter within the jurisdiction of*  
26 *another regulatory body in this title or chapter 437 of NRS, the Executive*  
27 *Director shall refer the complaint to the that regulatory body.*

28    3. *The provisions of subsection 2 do not prohibit the Executive Director or*  
29 *his or her designee from investigating a complaint which relates to any matter*  
30 *within the jurisdiction of the Board or from notifying the Board of that matter for*  
31 *further consideration by the Board if deemed necessary by the Board after an*  
32 *investigation.*

33    4. *Any member, employee, contractor or officer of the Board is immune*  
34 *from any civil liability for any decision made or action taken in good faith and*  
35 *without malicious intent in carrying out the provisions of this section.*

36    **Sec. 48.** (Deleted by amendment.)

37    **Sec. 48.3.** NRS 636.320 is hereby amended to read as follows:

38    636.320 ~~[The]~~ *Any disciplinary* hearing of a formal charge *relating to an*  
39 *alleged ground for disciplinary action set forth in NRS 636.295* must be  
40 conducted ~~[publicly by the Board. The licensee against whom the charge is filed~~  
41 ~~must be accorded the right to appear in person and by legal counsel, and given~~  
42 ~~adequate opportunity to confront the witnesses against him or her, to testify and~~  
43 ~~introduce the testimony of witnesses in his or her behalf, and to submit argument~~  
44 ~~and brief in person or by counsel.]~~ *in accordance with the provisions of chapters*  
45 *233B, 622 and 622A of NRS.*

46    **Sec. 48.6.** NRS 636.325 is hereby amended to read as follows:

47    636.325 1. ~~[Upon conclusion of the hearing, or waiver thereof by the person~~  
48 ~~against whom the charge is filed, the Board shall make and announce its decision.]~~  
49 *If the Board [determines that the allegations included in the charge are true,] finds*  
50 *by a preponderance of the evidence that a person has engaged in one or more*  
51 *grounds for disciplinary action set forth in NRS 636.295, it may take any one or*  
52 *more of the following actions:*

1 (a) Publicly reprimand the licensee ~~[;]~~ *and impose any terms or conditions*  
2 *deemed necessary by the Board;*

3 (b) Place the licensee on probation for a specified or unspecified period ~~[;]~~ *and*  
4 *impose any conditions deemed necessary by the Board;*

5 (c) Suspend the ~~[licensee from practice for a specified or unspecified period;]~~  
6 *license of the person for not more than 1 year and impose any terms or*  
7 *conditions deemed necessary by the Board;*

8 (d) Revoke the ~~[licensee's]~~ license ~~[; or]~~ *of the person and impose any terms*  
9 *or conditions for reinstatement of the license deemed necessary by the Board;*

10 (e) Impose an administrative fine pursuant to the provisions of NRS 636.420 ~~[;~~  
11 ~~→ The Board may, in connection with a reprimand, probation or suspension,~~  
12 ~~impose such other terms or conditions as it deems necessary.];~~

13 (f) *Limit the person's practice of optometry;*

14 (g) *Suspend the enforcement of any penalty by placing the person on*  
15 *probation, which the Board may revoke if the person fails to comply with any*  
16 *condition of probation imposed by the Board;*

17 (h) *Require the person to submit to the supervision of or counseling or*  
18 *treatment by a person designated by the Board, and the person must be*  
19 *responsible for any expense incurred for providing those services;*

20 (i) *Impose and modify any conditions of probation for the protection of the*  
21 *public or the rehabilitation of the person;*

22 (j) *Require the person to pay for any costs of remediation or restitution; or*

23 (k) *Take any combination of the actions specified in paragraphs (a) to (j),*  
24 *inclusive.*

25 2. ~~[If the Board determines that the allegations included in the charge are false~~  
26 ~~or do not warrant disciplinary action, it shall dismiss the charge.~~

27 ~~— 3.]~~ The Board shall not issue a private reprimand.

28 ~~[4.]~~ 3. An order that imposes discipline and the findings of fact and  
29 conclusions of law supporting that order are public records.

30 **Sec. 48.9.** NRS 636.337 is hereby amended to read as follows:

31 636.337 1. Any disciplinary action taken by a hearing officer or panel  
32 pursuant to NRS 636.110 is subject to the same procedural requirements which  
33 apply to disciplinary actions taken by the Board, and the officer or panel has those  
34 powers and duties given to the Board in relation thereto.

35 2. A decision of the hearing officer or panel relating to the imposition of an  
36 administrative fine or penalty is a final decision in a contested case. ~~[Any party~~  
37 ~~aggrieved by a decision of the officer or panel to revoke or suspend a license may~~  
38 ~~appeal that decision to the Board.]~~

39 **Sec. 48.95.** NRS 636.339 is hereby amended to read as follows:

40 636.339 1. If the Board determines from an investigation of a licensee that  
41 the health, safety or welfare of the public or any patient served by the licensee is at  
42 risk of imminent or continued harm because of the manner in which the licensee  
43 prescribed, administered, dispensed or used a controlled substance, the Board may  
44 summarily suspend the licensee's authority to prescribe, administer or dispense a  
45 controlled substance listed in schedule ~~[H,]~~ III or IV pending a determination upon  
46 the conclusion of a hearing to consider a formal complaint against the licensee. An  
47 order of summary suspension may be issued only by the Board, the President of the  
48 Board, the presiding officer of an investigative committee convened by the Board  
49 to conduct the investigation or the member of the Board who conducted the  
50 investigation.

51 2. If an order to summarily suspend a licensee's authority to prescribe,  
52 administer or dispense a controlled substance listed in schedule ~~[H,]~~ III or IV is  
53 issued pursuant to subsection 1 by the presiding officer of an investigative

1 committee of the Board or a member of the Board, that person shall not participate  
2 in any further proceedings of the Board relating to the order.

3 3. If the Board, the presiding officer of an investigative committee of the  
4 Board or a member of the Board issues an order summarily suspending a licensee's  
5 authority to prescribe, administer or dispense a controlled substance listed in  
6 schedule ~~III~~ III or IV pursuant to subsection 1, the Board must hold a hearing to  
7 consider the formal complaint against the licensee. The Board must hold the  
8 hearing and render a decision concerning the formal complaint within 60 days after  
9 the date on which the order is issued, unless the Board and the licensee mutually  
10 agree to a longer period.

11 **Sec. 49.** NRS 636.350 is hereby amended to read as follows:

12 636.350 1. An optometrist shall not ~~practice optometry~~ *own all or any*  
13 *portion of an optometry practice* under an assumed or fictitious name unless the  
14 optometrist has been issued a certificate of registration by the Board to practice  
15 optometry under ~~an~~ *the* assumed or fictitious name ~~and~~ *and at a specific location.*

16 2. An optometrist who applies for a certificate of registration to *own all or*  
17 *any portion of an optometry practice* ~~optometry~~ under an assumed or fictitious  
18 name must submit to the Board an application on a form provided by the Board.  
19 *The application must be accompanied by proof satisfactory to the Board that the*  
20 *assumed or fictitious name has been registered or otherwise approved by any*  
21 *appropriate governmental entity, including, without limitation, any incorporated*  
22 *city or unincorporated town in which the optometrist practices, if the registration*  
23 *or other approval is required by the governmental entity.*

24 3. Each optometrist who is issued a certificate of registration pursuant to this  
25 section shall:

26 (a) Comply with the provisions of chapter 602 of NRS; ~~and~~

27 (b) Display or cause to be displayed near the entrance of his or her business the  
28 full name of the optometrist and the words or letters that designate him or her as an  
29 optometrist ~~and~~ *and*

30 (c) *Display or cause to be displayed near the entrance of his or her business*  
31 *the full name of any optometrist who regularly provides optometric services at the*  
32 *business and the words or letters that designate him or her as an optometrist.*

33 4. The Board shall adopt regulations that prescribe the requirements for the  
34 issuance of a certificate of registration to practice optometry under an assumed or  
35 fictitious name.

36 5. As used in this section, "assumed or fictitious name" means a name ~~that is~~  
37 ~~not the real~~ *other than the* name of ~~each person who owns an interest in a~~  
38 ~~business~~ *the optometrist printed on his or her license to practice optometry.*

39 **Sec. 50.** NRS 636.355 is hereby amended to read as follows:

40 636.355 A licensee shall not ~~be entitled to~~ lend, sell, or otherwise ~~dispose~~  
41 ~~or~~ permit the unauthorized use of his or her license or current renewal card.

42 **Sec. 51.** NRS 636.365 is hereby amended to read as follows:

43 636.365 The Board or the Executive Director may issue a duplicate license  
44 and renewal card *for each location at which a licensee practices optometry,* if ~~the~~  
45 *the* licensee maintains more than one place of practice.

46 **Sec. 52.** NRS 636.370 is hereby amended to read as follows:

47 636.370 1. A person who has been issued an initial license to practice  
48 optometry in this State or who is re-establishing a practice in this State shall, before  
49 commencing the practice, notify the Executive Director, in writing, of the location  
50 or locations where the person intends to practice.

51 2. A licensee shall notify the Executive Director in writing before changing  
52 the location of his or her practice ~~and~~ *or establishing an additional location to*  
53 *practice optometry.*

1       **Sec. 53.** NRS 636.372 is hereby amended to read as follows:

2       636.372 1. ~~[An]~~ *Except as otherwise provided in subsection 4, an*  
3 optometrist may enter into an agreement with a person who is not licensed pursuant  
4 to the provisions of this chapter for the leasing of a building or a part thereof for use  
5 in his or her practice. The lease may contain a provision which requires that the rent  
6 must be based on a percentage of the revenue earned by the optometrist in his or her  
7 practice if the total amount of rent paid for the building or part thereof does not  
8 exceed its fair rental value, including any furniture, fixtures or equipment therein.

9       2. An optometrist who enters into such a lease with a physician may locate his  
10 or her office in the same place of business as the physician without a physical  
11 separation between the office and the place of business.

12       3. The Board may adopt regulations prescribing the requirements for such  
13 leases. The regulations must ensure the quality of optometric care and the practice  
14 of optometry without restricting competition or the commercial practice of  
15 optometry.

16       **4. *An optometrist shall not enter into a lease pursuant to this section unless,***  
17 ***during the term of the lease, the optometrist maintains exclusive access to, and***  
18 ***control and ownership of, the medical records of each patient of the optometrist.***

19       **Sec. 53.5.** NRS 636.373 is hereby amended to read as follows:

20       636.373 1. An optometrist may form an association or other business  
21 relationship with a physician to provide their respective services to patients.

22       2. If such an association or business relationship is formed, the optometrist  
23 may:

24       (a) Locate his or her office in the same place of business as the physician  
25 without a physical separation between the office and the place of business.

26       (b) Authorize the physician to have access to any medical records in the  
27 possession of the optometrist relating to a patient who is being treated by both the  
28 optometrist and the physician.

29       (c) Advertise and promote the services provided by the association or business  
30 consistent with the restrictions on advertising set forth in NRS 636.302.

31       3. ***A person shall not directly or indirectly supervise an optometrist within***  
32 ***the scope of his or her practice of optometry unless the person is licensed to***  
33 ***practice optometry pursuant to this chapter.***

34       4. ***A person, including an officer, employee or agent of any commercial or***  
35 ***mercantile establishment, shall not directly or indirectly control, dictate or***  
36 ***influence the professional judgment of the practice of optometry by a licensed***  
37 ***optometrist, unless the person is licensed to practice optometry pursuant to this***  
38 ***chapter.***

39       5. This section does not authorize an optometrist to employ or be employed  
40 by a physician.

41       **Sec. 54.** NRS 636.374 is hereby amended to read as follows:

42       636.374 An optometrist may, based upon the individual needs of a particular  
43 patient, collaborate with an ophthalmologist for the provision of care to the patient,  
44 for a fixed fee, regarding one or more surgical procedures if:

45       1. The collaborating parties prepare and maintain in their respective medical  
46 records regarding the patient, written documentation of each procedure and other  
47 service performed by each collaborating party which includes the date each  
48 procedure and other service is performed;

49       2. The fixed fee is divided between the collaborating parties in proportion to  
50 the services personally performed by each of them;

51       3. The collaborating parties agree that the collaborating optometrist will refer  
52 the patient back to the collaborating ophthalmologist or, if the collaborating  
53 ophthalmologist is not available, another ophthalmologist designated by the

1 collaborating ophthalmologist to provide care to the patient if the medical needs of  
2 the patient necessitate the provision of care by an ophthalmologist; and

3 4. The collaborating parties provide to the patient and maintain in their  
4 respective medical records regarding the patient, a written document, signed by  
5 each of the collaborating parties and the patient, containing:

6 (a) The name, business address and telephone number of each of the  
7 collaborating parties;

8 (b) The amount of the fixed fee for the procedures and services;

9 (c) The proportion of that fee to be received by each collaborating party;

10 (d) A statement, signed by the patient and a witness who is not one of the  
11 collaborating parties, that the patient voluntarily, knowingly and willingly desires  
12 the performance of the postoperative care by the collaborating optometrist;

13 (e) A statement that the patient is entitled to return to the collaborating  
14 ophthalmologist for postoperative care at any time after the surgery; and

15 (f) A statement which:

16 (1) Indicates that the practice of optometry *is regulated by the Nevada*  
17 *State Board of Optometry and the practice of* ophthalmology ~~[are respectively]~~ *is*  
18 regulated by the ~~[Nevada State Board of Optometry and the]~~ Board of Medical  
19 Examiners ~~[;]~~ *or the State Board of Osteopathic Medicine, as applicable;* and

20 (2) Contains the address and telephone number of each of those Boards.

21 **Sec. 55.** NRS 636.375 is hereby amended to read as follows:

22 636.375 1. *Service of process made under this chapter must be made by*  
23 *one of the following methods:*

24 (a) *Sending the process to be served to the person by certified mail at his or*  
25 *her last known address as indicated in the records of the Board; or*

26 (b) *Personal delivery of the document to be served upon the person.*

27 2. *Service of process made under this chapter shall be deemed complete*  
28 *when a true and correct copy of the document, properly addressed and stamped,*  
29 *is deposited in the United States mail pursuant to paragraph (a) of subsection 1,*  
30 *or when personal delivery is completed pursuant to paragraph (b) of subsection 1.*

31 3. Any notice ~~which is not~~ required to be ~~[given by the Board or the~~  
32 ~~Executive Director to a licensee]~~ *served in accordance with subsection 1 or 2* may  
33 be transmitted by ~~[ordinary]~~ :

34 ~~[first class, certified or registered]~~

35 (a) *First-class* mail, postage prepaid, addressed to the licensee at the location  
36 listed by the ~~[Executive Director for that]~~ licensee ~~[;]~~ *on his or her most recent*  
37 *change of address form or application for the renewal of his or her license or the*  
38 *last known address as indicated in the records of the Board for any other person;*

39 (b) *Electronic mail to the address for electronic mail most recently provided*  
40 *by the person to the Board; or*

41 (c) *Facsimile machine to the number most recently provided by the person to*  
42 *the Board.*

43 **Sec. 56.** NRS 636.382 is hereby amended to read as follows:

44 636.382 ~~[1. No]~~ **Any** licensed optometrist may administer topical *diagnostic*  
45 *ophthalmic [pharmaceutical] agents . [unless the optometrist has received*  
46 *certification from the Board authorizing him or her to do so.*

47 ~~—2.—~~ *The Board shall adopt regulations prescribing the diagnostic uses to which*  
48 *the agents enumerated in subsection 3 may be put, the manner in which such agents*  
49 *may be used, and the qualifications and requirements for such certification which*  
50 *must include:*

51 ~~—(a) A valid license to practice optometry in this State;~~

52 ~~—(b) Satisfactory completion of a curriculum approved by the Board, which~~  
53 ~~must include general and ocular pharmacology, at an institution approved by the~~

~~Board and accredited by a regional or professional accrediting organization and recognized or approved by the Council on Post Secondary Accreditation, the Northwest Accreditation Association or the United States Department of Education; and~~

~~—(c) Successful completion of an appropriate examination approved and administered by the Board.~~

~~—3. The following topical ophthalmic pharmaceutical agents may be used for diagnostic purposes by an optometrist who has been authorized by the Board to do so:~~

~~—(a) Mydriatics;~~

~~—(b) Cycloplegics;~~

~~—(c) Topical anesthetics; and~~

~~—(d) Miotics.]~~

**Sec. 57.** NRS 636.387 is hereby amended to read as follows:

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

~~Approved for contact lenses.....  
Not approved for contact lenses.....~~

~~—2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by the optometrist.~~

~~—3. If the prescription is] for a contact lens [, the form] must set forth the expiration date of the prescription, the number of [refills] contact lenses approved for the patient and such other information as is necessary for the prescription to be filled properly. A prescription for spectacle lenses must not be construed to be approved for or converted to a prescription for contact lenses unless contact lenses are expressly approved in writing on the prescription by the prescribing optometrist.~~

~~[4.] 2. The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.~~

~~[5.] 3. As used in this section, “initial fitting” means measuring the health, integrity and refractive error of the eye to determine whether contact lenses [may be approved pursuant to subsection 1.] are appropriate for the patient.~~

**Sec. 57.5.** (Deleted by amendment.)

**Sec. 58.** (Deleted by amendment.)

**Sec. 59.** NRS 636.420 is hereby amended to read as follows:

636.420 ~~[Any] After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than \$5,000 for each violation against a person licensed under this chapter who [violates any provision of this chapter or any regulation of the Board relating to the practice of optometry is liable to the Board for an administrative fine of not less than \$100 or more than \$5,000.] engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.~~

**Sec. 60.** NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;



1 3. An advanced practice registered nurse who has been authorized to  
2 prescribe controlled substances, poisons, dangerous drugs and devices;

3 4. A physician assistant who:

4 (a) Holds a license issued by the Board of Medical Examiners; and

5 (b) Is authorized by the Board to possess, administer, prescribe or dispense  
6 controlled substances, poisons, dangerous drugs or devices under the supervision of  
7 a physician as required by chapter 630 of NRS;

8 5. A physician assistant who:

9 (a) Holds a license issued by the State Board of Osteopathic Medicine; and

10 (b) Is authorized by the Board to possess, administer, prescribe or dispense  
11 controlled substances, poisons, dangerous drugs or devices under the supervision of  
12 an osteopathic physician as required by chapter 633 of NRS; or

13 6. An optometrist who is certified by the Nevada State Board of Optometry to  
14 prescribe and administer ~~{therapeutic}~~ pharmaceutical agents pursuant to NRS  
15 636.288, when the optometrist prescribes or administers ~~{therapeutic}~~  
16 pharmaceutical agents within the scope of his or her certification.

17 **Sec. 61.** NRS 453.126 is hereby amended to read as follows:

18 453.126 "Practitioner" means:

19 1. A physician, dentist, veterinarian or podiatric physician who holds a license  
20 to practice his or her profession in this State and is registered pursuant to this  
21 chapter.

22 2. An advanced practice registered nurse who holds a certificate from the  
23 State Board of Pharmacy authorizing him or her to dispense or to prescribe and  
24 dispense controlled substances.

25 3. A scientific investigator or a pharmacy, hospital or other institution  
26 licensed, registered or otherwise authorized in this State to distribute, dispense,  
27 conduct research with respect to, to administer, or use in teaching or chemical  
28 analysis, a controlled substance in the course of professional practice or research.

29 4. A euthanasia technician who is licensed by the Nevada State Board of  
30 Veterinary Medical Examiners and registered pursuant to this chapter, while he or  
31 she possesses or administers sodium pentobarbital pursuant to his or her license and  
32 registration.

33 5. A physician assistant who:

34 (a) Holds a license from the Board of Medical Examiners; and

35 (b) Is authorized by the Board to possess, administer, prescribe or dispense  
36 controlled substances under the supervision of a physician as required by chapter  
37 630 of NRS.

38 6. A physician assistant who:

39 (a) Holds a license from the State Board of Osteopathic Medicine; and

40 (b) Is authorized by the Board to possess, administer, prescribe or dispense  
41 controlled substances under the supervision of an osteopathic physician as required  
42 by chapter 633 of NRS.

43 7. An optometrist who is certified by the Nevada State Board of Optometry to  
44 prescribe and administer ~~{therapeutic}~~ pharmaceutical agents pursuant to NRS  
45 636.288, when the optometrist prescribes or administers ~~{therapeutic}~~  
46 pharmaceutical agents within the scope of his or her certification.

47 **Sec. 62.** NRS 454.00958 is hereby amended to read as follows:

48 454.00958 "Practitioner" means:

49 1. A physician, dentist, veterinarian or podiatric physician who holds a valid  
50 license to practice his or her profession in this State.

51 2. A pharmacy, hospital or other institution licensed or registered to  
52 distribute, dispense, conduct research with respect to or to administer a dangerous  
53 drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer ~~dangerous drugs~~ *pharmaceutical agents* pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

**Sec. 63. Section 6 of Assembly Bill No. 239 of this session is hereby amended to read as follows:**

Sec. 6. NRS 636.338 is hereby amended to read as follows:

636.338 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule ~~III~~ III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule ~~III~~ III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; and

(b) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule ~~III~~ III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board,

1 law enforcement agency or other appropriate governmental entity for  
2 investigation and criminal or administrative proceedings.

3 (b) Postpone any notification, review or part of such a review required  
4 by this section if he or she determines that it is necessary to avoid  
5 interfering with any pending administrative or criminal investigation into  
6 the suspected fraudulent, illegal, unauthorized or otherwise inappropriate  
7 prescribing, dispensing or use of a controlled substance.

8 6. The Board shall :

9 (a) Adopt regulations providing for disciplinary action against a  
10 licensee for inappropriately prescribing a controlled substance listed in  
11 schedule ~~III~~ III or IV or violating the provisions of NRS 639.2391 to  
12 639.23916, inclusive, and any regulations adopted by the State Board of  
13 Pharmacy pursuant thereto. Such disciplinary action must include, without  
14 limitation, requiring the licensee to complete additional continuing  
15 education concerning prescribing controlled substances listed in schedules  
16 ~~III~~ III and IV.

17 (b) Develop and disseminate to each optometrist who is certified to  
18 prescribe and administer ~~therapeutic~~ pharmaceutical agents pursuant to  
19 NRS 636.288 or make available on the Internet website of the Board an  
20 explanation or a technical advisory bulletin to inform those optometrists of  
21 the requirements of this section and NRS 636.339, 639.23507 and 639.2391  
22 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The  
23 Board shall update the explanation or bulletin as necessary to include any  
24 revisions to those provisions of law or regulations. The explanation or  
25 bulletin must include, without limitation, an explanation of the  
26 requirements that apply to specific controlled substances or categories of  
27 controlled substances.

28 ~~Sec. 63.~~ **Sec. 64.** Notwithstanding the amendatory provisions of:

29 1. Section 20 of this act, the schedule of fees established by the Nevada State  
30 Board of Optometry pursuant to NRS 636.143 remains in effect until the Board  
31 establishes a revised schedule of fees pursuant to NRS 636.143, as amended by  
32 section 20 of this act.

33 2. Section 27 of this act, a license to practice optometry executed pursuant to  
34 NRS 636.215 remains in effect for the period for which the license was issued, if  
35 the person to whom the license was issued remains eligible to hold the license  
36 during that period.

37 3. Section 36 of this act, any regulations adopted by the Nevada State Board  
38 of Optometry prescribing the requirements for certification to administer and  
39 prescribe a therapeutic pharmaceutical agent pursuant to NRS 636.287 remain in  
40 effect until the Board amends the regulations in accordance with NRS 636.287, as  
41 amended by section 36 of this act.

42 4. Section 37 of this act, a certificate to administer or prescribe a therapeutic  
43 pharmaceutical agent issued in accordance with the provisions of NRS 636.288  
44 remains in effect for the period for which the certificate was issued, if the person to  
45 whom the certificate was issued otherwise remains eligible to hold the certificate  
46 during that period.

47 5. Section 40 of this act, any regulations adopted by the Nevada State Board  
48 of Optometry which prescribe the requirements for the issuance of a certificate to  
49 treat persons diagnosed with glaucoma pursuant to NRS 636.2893 remain in effect  
50 until the Board adopts regulations in accordance with NRS 636.2893, as amended  
51 by section 41 of this act.

1 ~~Sec. 64.~~ *Sec. 65.* NRS 636.024, 636.160, 636.175, 636.195, 636.200,  
2 636.220, 636.315, 636.330, 636.335, 636.336, 636.341 and 636.385 are hereby  
3 repealed.

4 ~~Sec. 65.~~ *Sec. 66.* This act becomes effective:  
5 1. Upon passage and approval for the purposes of adopting regulations and  
6 any other preparatory administrative tasks that are necessary to carry out the  
7 provisions of this act; and

8 2. On July 1, 2019, for all other purposes.

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### LEADLINES OF REPEALED SECTIONS

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**636.024** “Therapeutic pharmaceutical agent” defined.  
**636.160** Application for examination.  
**636.175** Equipment required for examination.  
**636.195** Request for reexamination.  
**636.200** Scope of reexamination.  
**636.220** Licenses: Issuance.  
**636.315** Procedure following filing of complaint; retention of complaints.  
**636.330** Application for rehearing.  
**636.335** Rehearing: Notice to licensee; conduct; decision.  
**636.336** Board to cooperate with other agencies investigating persons.  
**636.341** Practicing or offering to practice without license: Reporting requirements of Board.

**636.385** Use of and payment for optometric services by administrative agencies and public schools.