
ASSEMBLY BILL NO. 432—ASSEMBLYMAN KOENIG

MARCH 27, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing optometry.
(BDR 54-929)

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

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

AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for an application submitted by a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising requirements for owning an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; authorizing certain persons acting under the supervision of an optometrist to collect certain specimens; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law authorizes the Nevada State Board of Optometry to adopt policies
2 and regulations necessary to regulate the practice of optometry in this State and
3 issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215)
4 **Sections 2-12** of this bill define certain terms relating to the practice of optometry.
5 **Section 20** of this bill makes a conforming change to indicate the proper placement
6 of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes
7 the Board to issue a citation to a person who violates certain provisions of law
8 governing the practice of optometry.

9 Existing law establishes a schedule of fees which the Board may not exceed
10 when charging for the issuance of a license to practice optometry and for certain
11 other purposes. (NRS 636.143) **Section 21** of this bill prohibits the Board from
12 requiring a veteran to pay more than one-half of the maximum fee for an
13 application for the issuance of a 1-year license to practice optometry.

14 Existing law authorizes the Board to issue a license by endorsement to certain
15 persons who hold a corresponding valid and unrestricted license to engage in the
16 practice of optometry in the District of Columbia or any state or territory of the
17 United States and who meet certain other requirements. (NRS 636.206, 636.207)
18 **Sections 24 and 25** of this bill require the: (1) corresponding license to be active;
19 and (2) applicant to submit to the Board proof that the applicant has completed
20 certain requirements relating to continuing education.

21 Existing law requires an applicant for a license to practice optometry to provide
22 certain information to the Board. (NRS 636.150) **Sections 23-25** of this bill require
23 all applicants for a license to practice optometry, including an applicant for
24 licensure by endorsement, to submit to the Board a complete set of his or her
25 fingerprints and written permission authorizing the Board to forward the
26 fingerprints to the Central Repository for Nevada Records of Criminal History for
27 submission to the Federal Bureau of Investigation for its report.

28 Existing law requires a licensee to notify the Executive Director of the Board in
29 advance of changing the location where the licensee practices optometry or
30 establishing an additional location to practice optometry. (NRS 636.370) **Section**
31 **27** of this bill removes the requirement that a licensee notify the Executive Director
32 before changing his or her practice location. **Section 15** of this bill requires a
33 licensee to notify the Board not later than 30 days after a change of the personal
34 mailing address or primary telephone number of the licensee, any location where
35 the licensee is licensed to practice in this State or the electronic mail address that
36 the licensee most recently provided to the Board. **Section 16** of this bill requires a
37 licensee to report to the Board within 30 days the revocation, suspension or
38 surrender of, or any disciplinary action taken against, a license, certificate or
39 registration to practice optometry issued by any other jurisdiction.

40 **Section 13** of this bill prohibits, with certain exceptions, a person who is not
41 licensed to practice optometry in this State from: (1) owning, being an officer or
42 board member of or having control over the management or operations of an
43 optometry practice located in this State; or (2) being an officer or board member of
44 an entity that operates such an optometry practice or holding a position in such an
45 entity that allows the person to have control over the management or operations of
46 an optometry practice. **Section 13** also prohibits a person who is employed by a
47 managed service provider which is providing certain business services to an
48 optometry practice from performing certain roles for the optometry practice or the
49 entity that operates the optometry practice.

50 Existing law prohibits an optometrist from owning all or any part of an
51 optometry practice under an assumed or fictitious name unless the optometrist has
52 been issued a certificate of registration by the Board to practice optometry under
53 the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of
54 this bill: (1) requires each optometrist who owns any part of such a practice to hold



55 an active license to practice optometry in this State and have been issued such a
56 certificate of registration; and (2) provides that the certificate of registration expires
57 5 years after the date on which it is issued and may be renewed upon the
58 submission of a current list of all assumed and fictitious names associated with the
59 optometry practice and all owners of the optometry practice.

60 **Section 14** of this bill authorizes a surviving family member of a licensed
61 optometrist who has died and who was the sole owner of an optometry practice to
62 own the optometry practice without holding a license to practice optometry in this
63 State for not more than 1 year after the death of the licensed optometrist. **Section**
64 **14** additionally authorizes such a surviving family member to transfer ownership of
65 that optometry practice to another licensed optometrist.

66 Existing law prohibits a person from engaging in the practice of optometry in
67 this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of
68 this bill authorizes students who are participating in certain externship programs
69 pursuant to a course of study in optometry or certain persons engaged in a
70 residency program for optometry to perform certain procedures pursuant to those
71 programs which constitute engaging in the practice of optometry. **Section 22** of this
72 bill makes a conforming change to indicate that the performance of such procedures
73 does not constitute the unlawful practice of optometry.

74 Existing law authorizes a licensed optometrist to prescribe therapeutic or
75 corrective lenses for the correction or relief of or remedy for an abnormal condition
76 or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of
77 this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating
78 or extending a prescription for certain lenses if the optometrist has not performed,
79 or does not have access to records relating to, a comprehensive eye examination
80 performed within the immediately preceding 2 years on the intended recipient of
81 the lenses.

82 Existing law defines the term “telehealth” to mean the delivery of services from
83 a provider of health care to a patient at a different location through the use of
84 information and audio-visual communication technology, not including facsimile or
85 electronic mail. (NRS 629.515) **Section 9** of this bill defines the term “optometric
86 telemedicine” to mean, in general, the use of telehealth by a licensed optometrist to
87 deliver health care services within the scope of the practice of optometry to a
88 patient at a different location. **Section 19** of this bill authorizes and sets forth
89 certain requirements for the use of optometric telemedicine by a licensed
90 optometrist for certain purposes. **Section 19** requires, with certain exceptions, a
91 licensed optometrist to have performed a comprehensive examination on a patient
92 within the immediately preceding 2 years to deliver health care services to the
93 patient through optometric telemedicine. **Section 19** additionally authorizes an
94 licensed optometrist to remotely monitor certain health data of a patient.

95 Existing law authorizes the State Board of Health to prescribe regulations
96 relating to the operation of medical laboratories and the qualifications of the
97 directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the
98 regulations to include licensed optometrists among the licensed physicians qualified
99 to serve as the laboratory director of certain laboratories under certain
100 circumstances.

101 Existing law authorizes licensed optometrists, licensed physicians and certain
102 other persons to manipulate a person for the collection of specimens and perform
103 certain laboratory tests without having to obtain certification as an assistant in a
104 medical laboratory. (NRS 652.210) **Section 30** of this bill additionally authorizes a
105 person who is employed by a licensed optometrist or any medical provider or
106 medical facility while acting under the direct supervision of a licensed optometrist
107 to manipulate a person for the collection of such specimens and the performance of
108 such laboratory tests without obtaining such certification.



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
2 thereto the provisions set forth as sections 2 to 19, inclusive, of this
3 act.

4 **Sec. 2.** *“Asynchronous optometric telemedicine” means a*
5 *form of optometric telemedicine in which data that is collected*
6 *from an examination of a patient that is conducted in person is*
7 *later transmitted to an optometrist for review.*

8 **Sec. 3. 1.** *“Comprehensive examination” means an*
9 *examination of a patient which is conducted in person and during*
10 *which all of the following tests or procedures are performed:*

11 (i) *Tests and procedures concerning the primary reason for*
12 *which the examination is conducted;*

13 (b) *A review of the medical history and ocular history of both*
14 *the patient and his or her immediate family;*

15 (c) *A review of any medications used by the patient;*

16 (d) *A review of any allergies of the patient;*

17 (e) *A review of documentation identifying the patient’s*
18 *primary care physician;*

19 (f) *General medical observations, including, without*
20 *limitation, neurological and psychological orientation;*

21 (g) *Eye pressure;*

22 (h) *Gross, confrontation or formal visual fields;*

23 (i) *Versions;*

24 (j) *A complete pupillary assessment, including, without*
25 *limitation, an examination of the presence of an afferent pupillary*
26 *defect;*

27 (k) *Eye alignment;*

28 (l) *Visual acuities;*

29 (m) *Autorefracton or retinoscopy;*

30 (n) *Keratometry or autokeratometry;*

31 (o) *Anterior segment examination using a slit beam and*
32 *magnification, as through a biomicroscope slit lamp, to include*
33 *ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea,*
34 *anterior chamber and lens; and*

35 (p) *Posterior segment examination that includes the*
36 *examination of the optic nerve, macula, retina and vessels.*

37 2. *The term includes an examination in which a test or*
38 *procedure specified in paragraphs (a) to (p), inclusive, was not*
39 *performed if the person conducting the examination was unable to*
40 *perform the test or procedure and used an alternative method to*
41 *obtain comparable data to that which would have been obtained by*
42 *the proper performance of the test or procedure.*



1 **Sec. 4.** *“Distant site” has the meaning ascribed to it in*
2 *NRS 629.515.*

3 **Sec. 5.** *“Health care services” means services for the*
4 *diagnosis, prevention, treatment, care or relief of a health*
5 *condition, illness, injury or disease that are within the scope of the*
6 *practice of optometry.*

7 **Sec. 6.** *“Licensee” means a person who is licensed to*
8 *practice optometry pursuant to this chapter.*

9 **Sec. 7.** *“Non-comprehensive examination” means an*
10 *examination that includes some but not all of the elements of a*
11 *comprehensive examination.*

12 **Sec. 8.** *“Optometric telemedicine” means the use of*
13 *telehealth, as defined in NRS 629.515, by a licensee who is located*
14 *at a distant site to deliver health care services to a patient who is*
15 *located at an originating site. The term includes, without*
16 *limitation, synchronous optometric telemedicine and*
17 *asynchronous optometric telemedicine.*

18 **Sec. 9.** *“Optometry practice” or “optometric practice” means*
19 *a business through which one or more optometrists practice*
20 *optometry.*

21 **Sec. 10.** *“Originating site” has the meaning ascribed to it in*
22 *NRS 629.515.*

23 **Sec. 11.** *“Remote patient monitoring” means the monitoring*
24 *by a licensee of data:*

25 1. *Collected from a patient of the licensee at one location and*
26 *transmitted to the licensee at another location; and*

27 2. *That is necessary to make informed decisions about*
28 *providing health care services to the patient.*

29 **Sec. 12.** *“Synchronous optometric telemedicine” means a*
30 *form of optometric telemedicine in which information is*
31 *exchanged via electronic communication in real time and*
32 *includes, without limitation, communication via telephone, video,*
33 *a mobile application or an online platform on an Internet website.*

34 **Sec. 13.** 1. *Except as otherwise provided in section 14 of*
35 *this act, a person who is not licensed to practice optometry*
36 *pursuant to this chapter shall not:*

37 (a) *Hold an ownership interest in an optometry practice;*

38 (b) *Be an officer or board member of an optometry practice or*
39 *occupy any other position of authority at an optometry practice*
40 *that allows the person to exert control over the management or*
41 *operation of the optometry practice; or*

42 (c) *Be an officer or board member of an entity that operates*
43 *one or more optometry practices or occupy any other position of*
44 *authority at such an entity that allows the person to exert control*



1 *over the management or operations of an optometry practice that*
2 *the entity operates.*

3 2. *A person shall not perform any services in exchange for*
4 *compensation for a managed service provider that is providing*
5 *services to an optometry practice if the person is:*

6 (a) *An officer or board member of the optometry practice or*
7 *occupies any other position of authority at an optometry practice*
8 *that allows the person to exert control over the management or*
9 *operation of an optometry practice; or*

10 (b) *An officer or board member of an entity that operates the*
11 *optometry practice or occupies any other position of authority at*
12 *such an entity that allows the person to exert control over the*
13 *management or operations of the optometry practice.*

14 3. *As used in this section “managed service provider” means*
15 *a person who provides management and administrative services to*
16 *an optometry practice.*

17 **Sec. 14.** 1. *For not more than 1 year after the death of a*
18 *licensee who is the sole owner of an optometry practice, a*
19 *surviving member of the licensee’s family may own the optometry*
20 *practice without being licensed pursuant to this chapter. The*
21 *surviving member of the licensee’s family may transfer ownership*
22 *of the optometry practice to a licensee.*

23 2. *As used in this section, “member of the licensee’s family”*
24 *means any person related to the licensee by blood, adoption or*
25 *marriage.*

26 **Sec. 15.** *A licensee shall notify the Board of any change in*
27 *the personal mailing address or primary telephone number of the*
28 *licensee, any change of the electronic mail address most recently*
29 *provided by the licensee to the Board or a change of address of*
30 *any location where the licensee practices optometry in this State*
31 *not later than 30 calendar days after the change.*

32 **Sec. 16.** *A licensee shall report to the Board within 30 days*
33 *the revocation, suspension or surrender of, or any other*
34 *disciplinary action taken against, a license, certificate or*
35 *registration to practice any occupation or profession issued to the*
36 *licensee by another state or territory of the United States, the*
37 *District of Columbia or a foreign country.*

38 **Sec. 17.** 1. *A student who is enrolled in a program of an*
39 *undergraduate or graduate course of study in optometry at an*
40 *accredited school or college of optometry and who is participating*
41 *in an externship authorized by the school or college, as applicable,*
42 *as part of that course of study may perform procedures within the*
43 *scope of a license to practice optometry issued pursuant to this*
44 *chapter if an optometrist or ophthalmologist licensed in this State:*



1 (a) *Is physically present at the clinic where the student is*
2 *performing the procedures at all times while those procedures are*
3 *being performed; and*

4 (b) *Examines the person on whom the student performed any*
5 *procedure before the person is discharged.*

6 2. *Except as otherwise provided in subsection 3, a person who*
7 *has received a degree of doctor of optometry and who is engaged*
8 *in a residency program for optometry in this State may, without a*
9 *license, engage in the practice of optometry within the scope of a*
10 *license to practice optometry issued pursuant to this chapter and*
11 *examine and manage patients without supervision if an*
12 *optometrist or ophthalmologist licensed in this State is physically*
13 *present at the clinic at all times when the person is practicing*
14 *optometry.*

15 3. *A person described in subsection 2 may, in an emergency,*
16 *provide care to a patient without an optometrist or*
17 *ophthalmologist licensed in this State being physically present at*
18 *the clinic if the person first consults with an appropriate*
19 *optometrist or ophthalmologist associated with the clinic to*
20 *determine the proper care and management of the treatment of the*
21 *patient.*

22 4. *As used in this section, "clinic" means a facility at which a*
23 *licensed optometrist or ophthalmologist provides services to*
24 *patients.*

25 **Sec. 18.** *It is unlawful for a licensee to issue, offer to issue,*
26 *duplicate or extend a prescription for an ophthalmic lens for a*
27 *person if the licensee has not performed a comprehensive*
28 *examination, or does not have access to the complete results of a*
29 *comprehensive examination that was performed, on the person*
30 *within the immediately preceding 2 years.*

31 **Sec. 19.** 1. *Except as otherwise provided in subsection 5, a*
32 *person shall not engage in optometric telemedicine to provide*
33 *health care services to a patient located at an originating site in*
34 *this State unless the person is licensed to practice optometry*
35 *pursuant to this chapter.*

36 2. *Except as otherwise provided in subsection 3, a licensee*
37 *may engage in synchronous or asynchronous optometric*
38 *telemedicine to provide health care services to a patient only if the*
39 *licensee has completed a comprehensive examination on the*
40 *patient within the immediately preceding 2 years.*

41 3. *A licensee may engage in synchronous optometric*
42 *telemedicine to perform a non-comprehensive examination of a*
43 *new patient if the licensee has access to all the information*
44 *obtained from a comprehensive examination of the patient that*



1 was conducted by an optometrist or ophthalmologist within the
2 immediately preceding 2 years.

3 4. A licensee may engage in asynchronous optometric
4 telemedicine to conduct a consultation regarding a patient on
5 whom the licensee has not completed a comprehensive
6 examination within the immediately preceding 2 years if:

7 (a) An optometrist, ophthalmologist or primary care physician
8 providing care to the patient requests that the licensee conduct the
9 consultation and provides the licensee with all the information
10 about the patient that is necessary to determine whether the
11 patient requires a comprehensive examination; and

12 (b) The consultation performed by the licensee is limited to a
13 determination of whether the patient requires a comprehensive
14 examination and does not involve any diagnosis, recommendation
15 for or treatment of the patient or a prescription for the patient.

16 5. A person who holds a valid, active and unrestricted license
17 issued by the District of Columbia or any state or territory of the
18 United States to practice optometry may conduct a consultation
19 through asynchronous optometric telemedicine described in
20 subsection 4 in the same manner as a licensee pursuant to that
21 subsection without holding a license to practice optometry in this
22 State.

23 6. A licensee may engage in remote patient monitoring of a
24 patient on whom the licensee has completed a comprehensive
25 examination within the immediately preceding 2 years for the
26 purposes of:

27 (a) Acquiring data about the health of the patient;

28 (b) Assessing changes in previously diagnosed chronic health
29 conditions;

30 (c) Confirming the stability of the health of the patient; or

31 (d) Confirming expected therapeutic results.

32 7. A licensee may engage in optometric telemedicine to
33 provide health care services to a patient who is located at an
34 originating site outside this State if the licensee has completed a
35 comprehensive examination of the patient within the immediately
36 preceding 2 years and such action is permitted by the laws of the
37 state in which the patient is located.

38 8. A licensee shall not engage in optometric telemedicine to
39 provide any health care service to the patient that the licensee has
40 determined should be provided in person.

41 9. A licensee engaging in optometric telemedicine or remote
42 patient monitoring shall not:

43 (a) Conduct himself or herself in a manner that violates the
44 standard of care required of an optometrist who is treating a



1 *patient in person, including, without limitation, by issuing a*
2 *prescription for ophthalmic lenses based solely upon:*

3 *(1) Answers provided by a patient in an online*
4 *questionnaire;*

5 *(2) The application of lensometry; or*

6 *(3) The application of auto-refraction; or*

7 *(b) Condition the provision of optometric telemedicine or*
8 *remote patient monitoring on the patient consenting to receiving a*
9 *standard of care below that which is required by paragraph (a).*

10 **Sec. 20.** NRS 636.015 is hereby amended to read as follows:

11 636.015 As used in this chapter, unless the context otherwise
12 requires, the words and terms defined in NRS 636.016 to 636.023,
13 inclusive, *and sections 2 to 12, inclusive, of this act* have the
14 meanings ascribed to them in those sections.

15 **Sec. 21.** NRS 636.143 is hereby amended to read as follows:

16 636.143 **1.** At least once every 2 years, the Board shall
17 review and, if the Board deems it necessary, establish or revise,
18 within the limits prescribed a schedule of fees for the following
19 purposes:

20
21 Not more than

22		
23	[1.] (a) Examinations.....	\$250
24	[2.] (b) Applications for the issuance of a	
25	1-year license.....	\$600
26	[3.] (c) Renewal of a license.....	\$1,200
27	[4.] (d) Granting certification or issuing	
28	certificates.....	\$1,000
29	[5.] (e) Licensing of extended clinical	
30	facilities and other practice locations.....	\$500
31	[6.] (f) Individually verifying licensure or	
32	disciplinary status.....	\$100
33	[7.] (g) Late fee.....	\$1,000
34	[8.] (h) Any other service provided by the	
35	Board pursuant to this chapter.....	\$1,000
36		

37 **2.** *If a veteran submits an application for the issuance of a 1-*
38 *year license, the Board shall collect not more than one-half of the*
39 *fee specified in subsection 1 for the application for the issuance of*
40 *a 1-year license.*

41 **3.** *As used in this section, “veteran” has the meaning*
42 *ascribed to it in NRS 417.005.*



1 **Sec. 22.** NRS 636.145 is hereby amended to read as follows:
2 636.145 1. ~~[A]~~ *Except as otherwise provided in section 17 of*
3 *this act, a* person shall not engage in the practice of optometry in
4 this State unless:

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

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

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

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

18 (a) Issue and serve on the person an order to cease and desist
19 from the practice of optometry until the person obtains a license
20 from the Board.

21 (b) Issue a citation to the person ~~[I]~~ *pursuant to NRS 636.420.*

22 (c) Impose any combination of the penalties set forth in
23 paragraphs (a) and (b).

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

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

31 **Sec. 23.** NRS 636.150 is hereby amended to read as follows:

32 636.150 Except as otherwise provided in NRS 636.206 and
33 636.207, any person applying for a license to practice optometry in
34 this State must:

35 1. File proof of his or her qualifications;

36 2. Take and pass each examination identified, administered or
37 approved by the Board;

38 3. Pay the prescribed fees; ~~[and]~~

39 4. *Submit to the Board a complete set of fingerprints and*
40 *written permission authorizing the Board to forward the*
41 *fingerprints to the Central Repository for Nevada Records of*
42 *Criminal History for submission to the Federal Bureau of*
43 *Investigation for its report; and*



1 **5.** Verify that all the information he or she has provided to the
2 Board or to any other entity pursuant to the provisions of this
3 chapter is true and correct.

4 **Sec. 24.** NRS 636.206 is hereby amended to read as follows:

5 636.206 1. The Board may issue a license by endorsement to
6 engage in the practice of optometry to an applicant who meets the
7 requirements set forth in this section. An applicant may submit to
8 the Board an application for such a license if the applicant holds a
9 corresponding valid , *active* and unrestricted license to engage in the
10 practice of optometry in the District of Columbia or any state or
11 territory of the United States.

12 2. An applicant for a license by endorsement pursuant to this
13 section must submit to the Board with his or her application:

14 (a) Proof satisfactory to the Board that the applicant:

15 (1) Satisfies the requirements of subsection 1;

16 (2) Has had no adverse actions reported to the National
17 Practitioner Data Bank within the past 5 years;

18 (3) Has been continuously and actively engaged in the
19 practice of optometry for the past 5 years;

20 (4) Has not been disciplined and is not currently under
21 investigation by the corresponding regulatory authority of the
22 District of Columbia or any state or territory in which the applicant
23 currently holds or has held a license to engage in the practice of
24 optometry; and

25 (5) Has not been held civilly or criminally liable for
26 malpractice in the District of Columbia or any state or territory of
27 the United States;

28 (b) *A complete set of fingerprints and written permission*
29 *authorizing the Board to forward the fingerprints in the manner*
30 *provided in NRS 636.150;*

31 (c) *Satisfactory evidence that the person, within the*
32 *immediately preceding 24-month period, has completed the*
33 *number of hours in a course or courses of continuing education*
34 *that have been approved by the Board which are required for the*
35 *renewal of a license pursuant to NRS 636.260; and*

36 (d) An affidavit stating that the information contained in the
37 application and any accompanying material is true and correct; and

38 ~~(e)~~ (e) Any other information required by the Board.

39 3. Not later than 15 business days after receiving an application
40 for a license by endorsement to engage in the practice of optometry
41 pursuant to this section, the Board shall provide written notice to the
42 applicant of any additional information required by the Board to
43 consider the application. Unless the Board denies the application for
44 good cause, the Board shall approve the application and issue a



1 license by endorsement to engage in the practice of optometry to the
2 applicant not later than ~~[45]~~:

3 (a) *Forty-five days* days after receiving the *additional*
4 *information required by the Board to complete the* application ~~[]~~ ;
5 *or*

6 (b) *Ten days after the Board receives a report on the*
7 *applicant's background based on the submission of the applicant's*
8 *fingerprints,*

9 *↳ whichever occurs later.*

10 4. A license by endorsement to engage in the practice of
11 optometry may be issued at a meeting of the Board or between its
12 meetings by the President of the Board. Such an action shall be
13 deemed to be an action of the Board.

14 **Sec. 25.** NRS 636.207 is hereby amended to read as follows:

15 636.207 1. The Board may issue a license by endorsement to
16 practice optometry to an applicant who meets the requirements set
17 forth in this section. An applicant may submit to the Board an
18 application for such a license if the applicant:

19 (a) Holds a corresponding valid and unrestricted license to
20 practice optometry in the District of Columbia or any state or
21 territory of the United States; and

22 (b) Is an active member of, or the spouse of an active member
23 of, the Armed Forces of the United States, a veteran or the surviving
24 spouse of a veteran.

25 2. An applicant for a license by endorsement pursuant to this
26 section must submit to the Board with his or her application:

27 (a) Proof satisfactory to the Board that the applicant:

28 (1) Satisfies the requirements of subsection 1;

29 (2) Has not been disciplined or investigated by the
30 corresponding regulatory authority of the District of Columbia or
31 any state or territory in which the applicant holds a license to
32 practice optometry; and

33 (3) Has not been held civilly or criminally liable for
34 malpractice in the District of Columbia or any state or territory of
35 the United States;

36 (b) *A complete set of fingerprints and written permission*
37 *authorizing the Board to forward the fingerprints to the Central*
38 *Repository for Nevada Records of Criminal History for submission*
39 *to the Federal Bureau of Investigation for its report;*

40 (c) *Satisfactory evidence that the person, within the*
41 *immediately preceding 24-month period, has completed the*
42 *number of hours in a course or courses of continuing education*
43 *that have been approved by the Board which are required for the*
44 *renewal of a license pursuant to NRS 636.260; and*



1 (d) An affidavit stating that the information contained in the
2 application and any accompanying material is true and correct; and

3 ~~[(e)]~~ (e) Any other information required by the Board.

4 3. Not later than 15 business days after receiving an application
5 for a license by endorsement to practice optometry pursuant to this
6 section, the Board shall provide written notice to the applicant of
7 any additional information required by the Board to consider the
8 application. Unless the Board denies the application for good cause,
9 the Board shall approve the application and issue a license by
10 endorsement to practice optometry to the applicant not later than

11 ~~[45]~~:

12 (a) *Forty-five* days after receiving all the additional information
13 required by the Board to complete the application ~~[(4)]~~; or

14 (b) *Ten days after the Board receives a report on the*
15 *applicant's background based on the submission of the applicant's*
16 *fingerprints,*

17 *↪ whichever occurs later.*

18 4. A license by endorsement to practice optometry may be
19 issued at a meeting of the Board or between its meetings by the
20 President and Executive Director of the Board. Such an action shall
21 be deemed to be an action of the Board.

22 5. At any time before making a final decision on an application
23 for a license by endorsement pursuant to this section, the Board may
24 grant a provisional license authorizing an applicant to practice
25 optometry in accordance with regulations adopted by the Board.

26 6. As used in this section, "veteran" has the meaning ascribed
27 to it in NRS 417.005.

28 **Sec. 26.** NRS 636.350 is hereby amended to read as follows:

29 636.350 1. ~~[An optometrist]~~ *A person* shall not own all or
30 any portion of an optometry practice under an assumed or fictitious
31 name unless the ~~[optometrist has]~~ *person:*

32 (a) *Holds an active license to practice optometry in this State;*
33 *and*

34 (b) *Has* been issued a certificate of registration by the Board to
35 practice optometry under the assumed or fictitious name and at a
36 specific location.

37 2. ~~[An optometrist]~~ *A person* who applies for a certificate of
38 registration to own all or any portion of an optometry practice under
39 an assumed or fictitious name must submit to the Board an
40 application on a form provided by the Board. The application must
41 be accompanied by proof satisfactory to the Board that the assumed
42 or fictitious name has been registered or otherwise approved by any
43 appropriate governmental entity, including, without limitation, any
44 incorporated city or unincorporated town in which the optometrist



1 practices, if the registration or other approval is required by the
2 governmental entity.

3 3. Each ~~[optometrist]~~ *person* who is issued a certificate of
4 registration pursuant to this section shall:

5 (a) Comply with the provisions of chapter 602 of NRS;

6 (b) Display or cause to be displayed near the entrance of his or
7 her business the full name of the optometrist and the words or letters
8 that designate him or her as an optometrist; and

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

13 4. *A certificate of registration issued pursuant to this section*
14 *expires 5 years after the date on which it is issued and may be*
15 *renewed upon submission to the Board of a current list of all:*

16 (a) *Assumed or fictitious names associated with the optometry*
17 *practice; and*

18 (b) *Owners of the optometry practice.*

19 5. The Board shall adopt regulations that prescribe the
20 requirements for the issuance *and renewal* of a certificate of
21 registration to practice optometry under an assumed or fictitious
22 name.

23 ~~[5.]~~ 6. As used in this section, “assumed or fictitious name”
24 means a name other than the name of the optometrist printed on his
25 or her license to practice optometry.

26 **Sec. 27.** NRS 636.370 is hereby amended to read as follows:

27 636.370 1. A person who has been issued an initial license to
28 practice optometry in this State or who is re-establishing a practice
29 in this State shall, before commencing the practice, notify the
30 Executive Director, in writing, of the location or locations where the
31 person intends to practice.

32 2. A licensee shall notify the Executive Director in writing
33 before ~~[changing the location of his or her practice or]~~ establishing
34 an additional location to practice optometry.

35 **Sec. 28.** NRS 636.420 is hereby amended to read as follows:

36 636.420 1. After providing notice and a hearing pursuant to
37 chapter 622A of NRS, the Board may impose an administrative fine
38 of not more than \$5,000 for each violation against a person licensed
39 under this chapter who engages in any conduct constituting grounds
40 for disciplinary action set forth in NRS 636.295.

41 2. *In addition to any other penalty prescribed by law, if the*
42 *Board determines that a person has violated any provision of this*
43 *chapter, the Board may issue a citation to the person. A citation*
44 *issued pursuant to this subsection must be in writing, describe*
45 *with particularity the nature of the violation and inform the*



1 *person of the provisions of this subsection. Each activity in which*
2 *the person is engaged constitutes a separate offense for which a*
3 *separate citation may be issued. To appeal a citation, the person*
4 *must submit to the Board a written request for a hearing not later*
5 *than 30 days after the date of issuance of the citation.*

6 **Sec. 29.** NRS 652.130 is hereby amended to read as follows:

7 652.130 1. Except as otherwise provided in NRS 652.127,
8 the Board, with the advice of the Medical Laboratory Advisory
9 Committee, may prescribe and publish rules and regulations relating
10 to:

11 (a) The education, training and experience qualifications of
12 laboratory directors and technical personnel.

13 (b) The location and construction of laboratories, including
14 plumbing, heating, lighting, ventilation, electrical services and
15 similar conditions, to ensure the conduct and operation of the
16 laboratory in a manner which will protect the public health.

17 (c) Sanitary conditions within the laboratory and its
18 surroundings, including the water supply, sewage, the handling of
19 specimens and matters of general hygiene, to ensure the protection
20 of the public health.

21 (d) The equipment essential to the proper conduct and operation
22 of a laboratory.

23 (e) The determination of the accuracy of test results produced by
24 a laboratory and the establishment of minimum qualifications
25 therefor.

26 2. Any regulations adopted by the Board pursuant to this
27 section must not require that the laboratory director of a laboratory
28 in which the only test performed is a test for the detection of the
29 human immunodeficiency virus that is classified as a waived test
30 pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal
31 Regulations:

32 (a) Be a licensed physician; or

33 (b) Perform duties other than those prescribed in NRS 652.180.

34 **3. *Any regulations adopted by the Board pursuant to this***
35 ***section that require the laboratory director of a laboratory in***
36 ***which the only tests performed are tests that are classified as***
37 ***waived tests pursuant to Subpart A of Part 493 of Title 42 of the***
38 ***Code of Federal Regulations to be a licensed physician must***
39 ***include a licensed optometrist among the types of licensed***
40 ***physicians who are qualified to serve as a laboratory director of***
41 ***such a laboratory.***

42 **Sec. 30.** NRS 652.210 is hereby amended to read as follows:

43 652.210 1. Except as otherwise provided in subsection 2 and
44 NRS 126.121 and 652.186, no person other than a licensed
45 physician, a licensed optometrist, *a person employed by a licensed*



1 *optometrist or any medical provider or medical facility while*
2 *acting under the direct supervision of a licensed optometrist,* a
3 licensed practical nurse, a registered nurse, a perfusionist, a
4 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
5 a certified advanced emergency medical technician, a certified
6 paramedic, a practitioner of respiratory care licensed pursuant to
7 chapter 630 of NRS, a licensed dentist or a registered pharmacist
8 may manipulate a person for the collection of specimens. The
9 persons described in this subsection may perform any laboratory test
10 which is classified as a waived test pursuant to Subpart A of Part
11 493 of Title 42 of the Code of Federal Regulations without
12 obtaining certification as an assistant in a medical laboratory
13 pursuant to NRS 652.127.

14 2. The technical personnel of a laboratory may collect blood,
15 remove stomach contents, perform certain diagnostic skin tests or
16 field blood tests or collect material for smears and cultures.

