

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 a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising provisions relating to the ownership of 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; 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 revises the fees associated with
12 with the initial issuance of a license. **Section 21** sets forth the maximum fee the
13 Board is authorized to charge for the initial issuance of a license to an applicant
14 who is a veteran, which is one-half of the maximum fee the Board is authorized to
15 charge an applicant who is not a veteran.

16 Existing law authorizes the Board to issue a license by endorsement to certain
17 persons who hold a corresponding valid and unrestricted license to engage in the
18 practice of optometry in the District of Columbia or any state or territory of the
19 United States and who meet certain other requirements. (NRS 636.206) **Section 24**
20 of this bill requires the: (1) corresponding license to be active; and (2) applicant to
21 not have been licensed by the Board to practice optometry in this State in the
22 immediately preceding year.

23 Existing law requires a licensee to notify the Executive Director of the Board in
24 advance of changing the location where the licensee practices optometry or
25 establishing an additional location to practice optometry. (NRS 636.370) **Section**
26 **15** of this bill requires a licensee to notify the Board not later than 30 days after a
27 change of the personal mailing address or primary telephone number of the licensee
28 or the electronic mail address that the licensee most recently provided to the Board.
29 **Section 16** of this bill requires a licensee to report to the Board within 30 days the
30 revocation, suspension or surrender of, or any disciplinary action taken against, a
31 license, certificate or registration to practice any occupation or profession issued by
32 any other jurisdiction.

33 **Section 13** of this bill prohibits, with certain exceptions, a person who is not
34 licensed to practice optometry in this State from: (1) owning, being an officer or
35 board member of or having control over the management or operations of an
36 optometry practice located in this State; or (2) being an officer or board member of
37 an entity that operates such an optometry practice or holding a position in such an
38 entity that allows the person to have control over the management or operations of
39 an optometry practice. **Section 13** also prohibits a person who is employed by a
40 management service provider which is providing certain business services to an
41 optometry practice from performing certain roles for the optometry practice or the
42 entity that operates the optometry practice using those services.

43 Existing law prohibits an optometrist from owning all or any part of an
44 optometry practice under an assumed or fictitious name unless the optometrist has
45 been issued a certificate of registration by the Board to practice optometry under
46 the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of
47 this bill specifies that each person who owns any part of such a practice hold an
48 active license to practice optometry in this State and have been issued such a
49 certificate of registration.

50 **Section 14** of this bill: (1) authorizes a surviving family member of a licensed
51 optometrist who has died and who was the sole owner of an optometry practice to
52 own the optometry practice without holding a license to practice optometry in this
53 State for not more than 1 year after the death of the licensed optometrist; and (2)
54 clarifies that such ownership does not exempt a person from the requirement to
55 obtain a license to engage in the practice of optometry. **Section 14** requires such a
56 surviving family member, not later than 1 year after the death of the licensee, to
57 transfer ownership of that optometry practice to another licensed optometrist or to
58 dissolve the practice.

59 Existing law prohibits a person from engaging in the practice of optometry in
60 this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of
61 this bill authorizes students who are participating in certain externship programs



62 pursuant to a course of study in optometry or certain persons engaged in a
63 residency program for optometry to perform certain procedures pursuant to those
64 programs which constitute engaging in the practice of optometry. **Section 22** of this
65 bill makes a conforming change to indicate that the performance of such procedures
66 does not constitute the unlawful practice of optometry.

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

75 Existing law defines the term "telehealth" to mean the delivery of services from
76 a provider of health care to a patient at a different location through the use of
77 information and audio-visual communication technology, not including facsimile or
78 electronic mail. (NRS 629.515) **Section 8** of this bill defines the term "optometric
79 telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to
80 deliver health care services within the scope of the practice of optometry to a
81 patient at a different location. **Section 19** of this bill authorizes and sets forth
82 certain requirements for the use of optometric telemedicine by a licensed
83 optometrist for certain purposes. **Section 19** requires, with certain exceptions, a
84 licensed optometrist to have performed a comprehensive examination on a patient
85 within the immediately preceding 2 years to deliver health care services to the
86 patient through optometric telemedicine. **Section 19** additionally authorizes an
87 licensed optometrist to remotely monitor certain health data of a patient.

88 Existing law authorizes the State Board of Health to prescribe regulations
89 relating to the operation of medical laboratories and the qualifications of the
90 directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the
91 regulations to include licensed optometrists among the licensed physicians qualified
92 to serve as the laboratory director of certain laboratories under certain
93 circumstances.

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, procedures or actions are*
11 *performed:*

12 *(a) The documentation of the primary reason for which the*
13 *examination is conducted;*



1 (b) A review of the medical history and ocular history of both
2 the patient and his or her immediate family;

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

4 (d) A review of any allergies of the patient;

5 (e) A review of documentation identifying the patient's
6 primary care physician;

7 (f) General medical observations, including, without
8 limitation, neurological and psychological orientation;

9 (g) Eye pressure;

10 (h) Gross, confrontation or formal visual fields;

11 (i) A basic sensorimotor examination;

12 (j) A complete pupillary assessment, including, without
13 limitation, an examination of the presence of an afferent pupillary
14 defect;

15 (k) Eye alignment;

16 (l) Visual acuities;

17 (m) Keratometry or autokeratometry;

18 (n) Anterior segment examination using a slit beam and
19 magnification, as through a biomicroscope slit lamp, to include
20 ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea,
21 anterior chamber and lens;

22 (o) Posterior segment examination that includes the
23 examination of the optic nerve, macula, retina and vessels; and

24 (p) A review and assessment of all data collected pursuant to
25 paragraphs (a) to (o), inclusive, and the development of a plan to
26 provide necessary treatment.

27 2. The term includes an examination in which a test,
28 procedure or action specified in paragraphs (a) to (p), inclusive, of
29 subsection 1 was not performed if the person conducting the
30 examination was unable to perform the test, procedure or action
31 and used an alternative method to obtain comparable data to that
32 which would have been obtained by the proper performance of the
33 test, procedure or action.

34 **Sec. 4.** "Distant site" has the meaning ascribed to it in
35 NRS 629.515.

36 **Sec. 5.** "Health care services" means services for the
37 diagnosis, prevention, treatment, care or relief of a health
38 condition, illness, injury or disease that are within the scope of the
39 practice of optometry.

40 **Sec. 6.** "Licensee" means a person who is licensed to
41 practice optometry pursuant to this chapter.

42 **Sec. 7.** "Non-comprehensive examination" means an
43 examination that includes some but not all of the elements of a
44 comprehensive examination.



1 **Sec. 8.** *“Optometric telemedicine” means the use of*
2 *telehealth, as defined in NRS 629.515, by a licensee who is located*
3 *at a distant site to deliver health care services to a patient who is*
4 *located at an originating site. The term includes, without*
5 *limitation, synchronous optometric telemedicine and*
6 *asynchronous optometric telemedicine.*

7 **Sec. 9.** *“Optometry practice” or “optometric practice” means*
8 *a business through which one or more optometrists practice*
9 *optometry.*

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

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

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

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

18 **Sec. 12.** *“Synchronous optometric telemedicine” means a*
19 *form of optometric telemedicine in which information is*
20 *exchanged via electronic communication in real time and*
21 *includes, without limitation, communication via telephone, video,*
22 *a mobile application or an online platform on an Internet website.*

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

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

27 (b) *Be an officer or board member of an optometry practice or*
28 *occupy any other position of authority at an optometry practice*
29 *that allows the person to exert control over the management or*
30 *operation of the optometry practice; or*

31 (c) *Be an officer or board member of an entity that operates*
32 *one or more optometry practices or occupy any other position of*
33 *authority at such an entity that allows the person to exert control*
34 *over the management or operations of an optometry practice that*
35 *the entity operates.*

36 2. *A person shall not accept compensation to perform any*
37 *services for a management service provider that is providing*
38 *services to an optometry practice if the person is:*

39 (a) *An officer or board member of the optometry practice or*
40 *occupies any other position of authority at an optometry practice*
41 *that allows the person to exert control over the management or*
42 *operation of the optometry practice receiving those services; or*

43 (b) *An officer or board member of an entity that operates the*
44 *optometry practice or occupies any other position of authority at*
45 *such an entity that allows the person to exert control over the*



1 *management or operations of the optometry practice receiving*
2 *those services.*

3 3. *As used in this section:*

4 (a) *“Management service provider” means a person that*
5 *contracts to provide management or administrative support*
6 *services to an optometry practice. The term does not include a*
7 *provider of insurance, a provider of health care as defined in NRS*
8 *41A.017 or a person that offers optometric care at an optometry*
9 *practice or that offers comprehensive examinations.*

10 (b) *“Management or administrative support services” includes,*
11 *without limitation, legal services and services relating to*
12 *management, billing, credentialing, accounting, marketing, the*
13 *storage of electronic medical records, the management of human*
14 *resources, the provision of malpractice insurance, information*
15 *technology, the financing of equipment, recruitment, transactions*
16 *involving real estate and technical support for optometric*
17 *telemedicine.*

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

25 2. *The provisions of this section do not:*

26 (a) *Exempt a person from the requirement to obtain a license*
27 *pursuant to this chapter to engage in the practice of optometry;*
28 *and*

29 (b) *Abrogate, alter or otherwise affect any obligation to comply*
30 *with the requirements of chapters 629 and 636 of NRS relating to*
31 *the custody of health care records.*

32 3. *As used in this section, “member of the licensee’s family”*
33 *means any person related to the licensee by blood, adoption or*
34 *marriage within the third degree of consanguinity.*

35 **Sec. 15.** *A licensee shall notify the Board of any change in*
36 *the personal mailing address or primary telephone number of the*
37 *licensee or any change of the electronic mail address most recently*
38 *provided by the licensee to the Board not later than 30 calendar*
39 *days after the change.*

40 **Sec. 16.** *A licensee shall report to the Board within 30 days*
41 *the revocation, suspension or surrender of, or any other*
42 *disciplinary action taken against, a license, certificate or*
43 *registration to practice any occupation or profession issued to the*
44 *licensee by another state or territory of the United States, the*
45 *District of Columbia or a foreign country.*



1 **Sec. 17. 1.** *A student who is enrolled in a graduate course*
2 *of study in optometry at an accredited school or college of*
3 *optometry and who is participating in an externship authorized by*
4 *the school or college, as applicable, as part of that course of study*
5 *may perform procedures within the scope of a license to practice*
6 *optometry issued pursuant to this chapter if an optometrist or*
7 *ophthalmologist licensed in this State:*

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

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

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

22 **3.** *A person described in subsection 2 may, in an emergency,*
23 *provide care to a patient without an optometrist or*
24 *ophthalmologist licensed in this State being physically present at*
25 *the clinic if the person consults with an appropriate optometrist or*
26 *ophthalmologist associated with the clinic to determine the proper*
27 *care and management of the treatment of the patient.*

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

31 **Sec. 18.** *It is unlawful for a licensee to issue, offer to issue,*
32 *duplicate or extend a prescription for an ophthalmic lens for a*
33 *person if the licensee has not performed a comprehensive*
34 *examination, or does not have access to the complete results of a*
35 *comprehensive examination that was performed, on the person*
36 *within the immediately preceding 2 years.*

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

42 **2.** *Except as otherwise provided in subsection 3, a licensee*
43 *may engage in synchronous or asynchronous optometric*
44 *telemedicine to provide health care services to a patient only if the*



1 *licensee has completed a comprehensive examination on the*
2 *patient within the immediately preceding 2 years.*

3 3. *A licensee may engage in synchronous optometric*
4 *telemedicine to perform a non-comprehensive examination of a*
5 *new patient if the licensee has access to all the information*
6 *obtained from a comprehensive examination of the patient that*
7 *was conducted by an optometrist or ophthalmologist within the*
8 *immediately preceding 2 years.*

9 4. *A licensee may engage in asynchronous optometric*
10 *telemedicine to conduct a consultation regarding a patient on*
11 *whom the licensee has not completed a comprehensive*
12 *examination within the immediately preceding 2 years if:*

13 (a) *An optometrist, ophthalmologist or primary care physician*
14 *providing care to the patient requests that the licensee conduct the*
15 *consultation and provides the licensee with all the information*
16 *about the patient that is necessary to determine whether the*
17 *patient requires a comprehensive examination; and*

18 (b) *The consultation performed by the licensee is limited to a*
19 *determination of whether the patient requires a comprehensive*
20 *examination and does not involve any diagnosis, recommendation*
21 *for or treatment of the patient or a prescription for the patient.*

22 5. *A person who holds a valid, active and unrestricted license*
23 *issued by the District of Columbia or any state or territory of the*
24 *United States to practice optometry may conduct a consultation*
25 *through asynchronous optometric telemedicine described in*
26 *subsection 4 in the same manner as a licensee pursuant to that*
27 *subsection without holding a license to practice optometry in this*
28 *State.*

29 6. *A licensee may engage in remote patient monitoring of a*
30 *patient on whom the licensee has completed a comprehensive*
31 *examination within the immediately preceding 2 years for the*
32 *purposes of:*

33 (a) *Acquiring data about the health of the patient;*

34 (b) *Assessing changes in previously diagnosed chronic health*
35 *conditions;*

36 (c) *Confirming the stability of the health of the patient; or*

37 (d) *Confirming expected therapeutic results.*

38 7. *A licensee may engage in optometric telemedicine to*
39 *provide health care services to a patient who is located at an*
40 *originating site outside this State if the licensee has completed a*
41 *comprehensive examination of the patient within the immediately*
42 *preceding 2 years and such action is permitted by the laws of the*
43 *state in which the patient is located.*



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

4 9. A licensee engaging in optometric telemedicine or remote
5 patient monitoring shall not:

6 (a) Conduct himself or herself in a manner that violates the
7 standard of care required of an optometrist who is treating a
8 patient in person, including, without limitation, by issuing a
9 prescription for ophthalmic lenses based solely upon one or more
10 of the following:

11 (1) Answers provided by a patient in an online
12 questionnaire;

13 (2) The application of lensometry; or

14 (3) The application of auto-refraction; or

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

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

19 636.015 As used in this chapter, unless the context otherwise
20 requires, the words and terms defined in NRS 636.016 to 636.023,
21 inclusive, *and sections 2 to 12, inclusive, of this act* have the
22 meanings ascribed to them in those sections.

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

24 636.143 1. At least once every 2 years, the Board shall
25 review and, if the Board deems it necessary, establish or revise,
26 within the limits prescribed a schedule of fees for the following
27 purposes:

28
29 Not more than

30		
31	[1.] (a) Examinations	\$250
32	[2.] (b) [Applications for the issuance of a	
33	1-year license	\$600
34	—3. Renewal] Initial issuance or renewal	
35	of a license	\$1,200
36	[4.] (c) Granting certification or issuing	
37	certificates	\$1,000
38	[5.] (d) Licensing of extended clinical	
39	facilities and other practice locations	\$500
40	[6.] (e) Individually verifying licensure or	
41	disciplinary status	\$100
42	[7.] (f) Late fee	\$1,000
43	[8.] (g) <i>Initial issuance of a license to an</i>	
44	<i>applicant who is a veteran</i>	<i>\$600</i>



1 (h) Any other service provided by the
2 Board pursuant to this chapter \$1,000

3
4 2. *As used in this section, "veteran" has the meaning*
5 *ascribed to it in NRS 417.005.*

6 **Sec. 22.** NRS 636.145 is hereby amended to read as follows:

7 636.145 1. ~~1A~~ *Except as otherwise provided in section 17 of*
8 *this act, a* person shall not engage in the practice of optometry in
9 this State unless:

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

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

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

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

23 (a) Issue and serve on the person an order to cease and desist
24 from the practice of optometry until the person obtains a license
25 from the Board.

26 (b) Issue a citation to the person ~~1B~~ *pursuant to NRS 636.420.*

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

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

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

36 **Sec. 23.** (Deleted by amendment.)

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

38 636.206 1. The Board may issue a license by endorsement to
39 engage in the practice of optometry to an applicant who meets the
40 requirements set forth in this section. An applicant may submit to
41 the Board an application for such a license if the applicant holds a
42 corresponding valid , *active* and unrestricted license to engage in the
43 practice of optometry in the District of Columbia or any state or
44 territory of the United States.



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

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

4 (1) Satisfies the requirements of subsection 1;

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

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

9 (4) *Has not held a license to practice optometry in this State*
10 *in the immediately preceding year;*

11 (5) Has not been disciplined and is not currently under
12 investigation by the corresponding regulatory authority of the
13 District of Columbia or any state or territory in which the applicant
14 currently holds or has held a license to engage in the practice of
15 optometry; and

16 ~~(5)~~ (6) Has not been held civilly or criminally liable for
17 malpractice in the District of Columbia or any state or territory of
18 the United States;

19 (b) An affidavit stating that the information contained in the
20 application and any accompanying material is true and correct; and

21 (c) Any other information required by the Board.

22 3. Not later than 15 business days after receiving an application
23 for a license by endorsement to engage in the practice of optometry
24 pursuant to this section, the Board shall provide written notice to the
25 applicant of any additional information required by the Board to
26 consider the application. Unless the Board denies the application for
27 good cause, the Board shall approve the application and issue a
28 license by endorsement to engage in the practice of optometry to the
29 applicant not later than 45 days after receiving the application.

30 4. A license by endorsement to engage in the practice of
31 optometry may be issued at a meeting of the Board or between its
32 meetings by the President of the Board. Such an action shall be
33 deemed to be an action of the Board.

34 **Sec. 25.** (Deleted by amendment.)

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

36 636.350 1. ~~[An optometrist]~~ *A person* shall not own all or
37 any portion of an optometry practice under an assumed or fictitious
38 name unless the ~~[optometrist has]~~ *person:*

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

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

44 2. ~~[An optometrist]~~ *A person* who applies for a certificate of
45 registration to own all or any portion of an optometry practice under



1 an assumed or fictitious name must submit to the Board an
2 application on a form provided by the Board. The application must
3 be accompanied by proof satisfactory to the Board that the assumed
4 or fictitious name has been registered or otherwise approved by any
5 appropriate governmental entity, including, without limitation, any
6 incorporated city or unincorporated town in which the optometrist
7 practices, if the registration or other approval is required by the
8 governmental entity.

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

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

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

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

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

22 5. As used in this section, "assumed or fictitious name" means
23 a name other than the name of the optometrist printed on his or her
24 license to practice optometry.

25 **Sec. 27.** (Deleted by amendment.)

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

27 636.420 **1.** After providing notice and a hearing pursuant to
28 chapter 622A of NRS, the Board may impose an administrative fine
29 of not more than \$5,000 for each violation against a person licensed
30 under this chapter who engages in any conduct constituting grounds
31 for disciplinary action set forth in NRS 636.295.

32 **2.** *If the Board determines that a person has violated any*
33 *provision of this chapter, the Board may issue a citation to the*
34 *person. The citation may contain an order to pay an*
35 *administrative fine of not more than \$1,000 for each violation or,*
36 *for a violation described in subsection 1, \$5,000 for each such*
37 *violation. A citation issued pursuant to this subsection must be in*
38 *writing, describe with particularity the nature of the violation and*
39 *inform the person of the provisions of this subsection. Each*
40 *activity in which the person is engaged constitutes a separate*
41 *offense for which a separate citation may be issued. To appeal a*
42 *citation, the person must submit to the Board a written request for*
43 *a hearing not later than 30 days after the date of issuance of the*
44 *citation. The Board shall provide notice of and conduct a hearing*



1 *requested pursuant to this subsection in accordance with the*
2 *provisions of chapter 622A of NRS.*

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

4 652.130 1. Except as otherwise provided in NRS 652.127,
5 the Board, with the advice of the Medical Laboratory Advisory
6 Committee, may prescribe and publish rules and regulations relating
7 to:

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

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

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

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

20 (e) The determination of the accuracy of test results produced by
21 a laboratory and the establishment of minimum qualifications
22 therefor.

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

29 (a) Be a licensed physician; or

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

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

39 **Sec. 30.** (Deleted by amendment.)

