

Amendment No. 434

Assembly Amendment to Assembly Bill No. 432	(BDR 54-929)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 432.
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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.



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~~ **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; ~~authorizing certain persons acting under the supervision of an optometrist to collect certain specimens;~~ and providing other matters properly relating thereto.

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Legislative Counsel’s Digest:

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

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill ~~prohibits the Board from requiring~~ **revises the fees**

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12 associated 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 who is a
 14 veteran [to pay more than] , which is one-half of the maximum fee [for an application for] the
 15 [issuance of a 1-year license to practice optometry.] Board is authorized to charge an
 16 applicant who is not a veteran.

17 Existing law authorizes the Board to issue a license by endorsement to certain persons
 18 who hold a corresponding valid and unrestricted license to engage in the practice of optometry
 19 in the District of Columbia or any state or territory of the United States and who meet certain
 20 other requirements. (NRS 636.206 ~~[, 636.207] Sections~~) **Section 24** ~~[and 25]~~ of this bill
 21 ~~[require] requires~~ the: (1) corresponding license to be active; and (2) applicant to ~~[submit to]~~
 22 **not have been licensed by the Board to practice optometry in this State in** the ~~[Board~~
 23 ~~proof that the applicant has completed certain requirements relating to continuing education.~~

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

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

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

51 Existing law prohibits an optometrist from owning all or any part of an optometry
 52 practice under an assumed or fictitious name unless the optometrist has been issued a
 53 certificate of registration by the Board to practice optometry under the assumed or fictitious
 54 name at a specified location. (NRS 636.350) **Section 26** of this bill ~~[, (1) requires] specifies~~
 55 **that each [optometrist] person** who owns any part of such a practice ~~[to] hold~~ an active
 56 license to practice optometry in this State and have been issued such a certificate of
 57 registration ~~[, (2) provides that the certificate of registration expires 5 years after the date~~
 58 ~~on which it is issued and may be renewed upon the submission of a current list of all assumed~~
 59 ~~and fictitious names associated with the optometry practice and all owners of the optometry~~
 60 ~~practice.]~~

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

68 Existing law prohibits a person from engaging in the practice of optometry in this State
 69 unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes
 70 students who are participating in certain externship programs pursuant to a course of study in

71 optometry or certain persons engaged in a residency program for optometry to perform certain
 72 procedures pursuant to those programs which constitute engaging in the practice of optometry.
 73 **Section 22** of this bill makes a conforming change to indicate that the performance of such
 74 procedures does not constitute the unlawful practice of optometry.

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

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

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

99 ~~Existing law authorizes licensed optometrists, licensed physicians and certain other~~
 100 ~~persons to manipulate a person for the collection of specimens and perform certain laboratory~~
 101 ~~tests without having to obtain certification as an assistant in a medical laboratory. (NRS~~
 102 ~~652.210) Section 30 of this bill additionally authorizes a person who is employed by a~~
 103 ~~licensed optometrist or any medical provider or medical facility while acting under the direct~~
 104 ~~supervision of a licensed optometrist to manipulate a person for the collection of such~~
 105 ~~specimens and the performance of 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 thereto the
 2 provisions set forth as sections 2 to 19, inclusive, of this act.

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

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

10 (a) ~~*Tests and procedures concerning*~~ *The documentation of the primary*
 11 *reason for which the examination is conducted;*

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

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

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

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

3 (f) General medical observations, including, without limitation, neurological
4 and psychological orientation;

5 (g) Eye pressure;

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

7 (i) ~~Version;~~ A basic sensorimotor examination;

8 (j) A complete pupillary assessment, including, without limitation, an
9 examination of the presence of an afferent pupillary defect;

10 (k) Eye alignment;

11 (l) Visual acuities;

12 (m) ~~Autorefractometry or retinoscopy;~~

13 ~~(n)~~ Keratometry or autokeratometry;

14 ~~(o)~~ (n) Anterior segment examination using a slit beam and magnification,
15 as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes,
16 conjunctiva, pupil, cornea, anterior chamber and lens; ~~and~~

17 ~~(p)~~ (o) Posterior segment examination that includes the examination of the
18 optic nerve, macula, retina and vessels ~~;~~ and

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

21 2. The term includes an examination in which a test, procedure or action
22 specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if
23 the person conducting the examination was unable to perform the test, procedure
24 or action and used an alternative method to obtain comparable data to that which
25 would have been obtained by the proper performance of the test, procedure or
26 action.

27 Sec. 4. "Distant site" has the meaning ascribed to it in NRS 629.515.

28 Sec. 5. "Health care services" means services for the diagnosis, prevention,
29 treatment, care or relief of a health condition, illness, injury or disease that are
30 within the scope of the practice of optometry.

31 Sec. 6. "Licensee" means a person who is licensed to practice optometry
32 pursuant to this chapter.

33 Sec. 7. "Non-comprehensive examination" means an examination that
34 includes some but not all of the elements of a comprehensive examination.

35 Sec. 8. "Optometric telemedicine" means the use of telehealth, as defined
36 in NRS 629.515, by a licensee who is located at a distant site to deliver health
37 care services to a patient who is located at an originating site. The term includes,
38 without limitation, synchronous optometric telemedicine and asynchronous
39 optometric telemedicine.

40 Sec. 9. "Optometry practice" or "optometric practice" means a business
41 through which one or more optometrists practice optometry.

42 Sec. 10. "Originating site" has the meaning ascribed to it in NRS 629.515.

43 Sec. 11. "Remote patient monitoring" means the monitoring by a licensee
44 of data:

45 1. Collected from a patient of the licensee at one location and transmitted to
46 the licensee at another location; and

47 2. That is necessary to make informed decisions about providing health
48 care services to the patient.

49 Sec. 12. "Synchronous optometric telemedicine" means a form of
50 optometric telemedicine in which information is exchanged via electronic
51 communication in real time and includes, without limitation, communication via
52 telephone, video, a mobile application or an online platform on an Internet
53 website.

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

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

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

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

11 2. *A person shall not accept compensation to perform any services ~~for~~*
12 *~~exchange for compensation~~ for a ~~managed~~ management service provider that*
13 *is providing services to an optometry practice if the person is:*

14 (a) *An officer or board member of the optometry practice or occupies any*
15 *other position of authority at an optometry practice that allows the person to exert*
16 *control over the management or operation of ~~the~~ the optometry practice ~~that~~*
17 *receiving those services; or*

18 (b) *An officer or board member of an entity that operates the optometry*
19 *practice or occupies any other position of authority at such an entity that allows*
20 *the person to exert control over the management or operations of the optometry*
21 *practice ~~that~~ receiving those services.*

22 3. *As used in this section ~~“managed”~~ :*

23 (a) *“Management service provider” means a person ~~who provides~~ that*
24 *contracts to provide management ~~and~~ or administrative support services to an*
25 *optometry practice. The term does not include a provider of insurance, a provider*
26 *of health care as defined in NRS 41A.017 or a person that offers optometric care*
27 *at an optometry practice or that offers comprehensive examinations.*

28 (b) *“Management or administrative support services” includes, without*
29 *limitation, legal services and services relating to management, billing,*
30 *credentialing, accounting, marketing, the storage of electronic medical records,*
31 *the management of human resources, the provision of malpractice insurance,*
32 *information technology, the financing of equipment, recruitment, transactions*
33 *involving real estate and technical support for optometric telemedicine.*

34 **Sec. 14. 1.** *For not more than 1 year after the death of a licensee who is*
35 *the sole owner of an optometry practice, a surviving member of the licensee’s*
36 *family may own the optometry practice without being licensed pursuant to this*
37 *chapter. ~~The~~ Not later than 1 year after the death of the licensee, the surviving*
38 *member of the licensee’s family ~~may~~ shall transfer ownership of the optometry*
39 *practice to a licensee ~~or~~ or dissolve the optometry practice.*

40 2. *The provisions of this section do not abrogate, alter or otherwise affect*
41 *any obligation to comply with the requirements of chapters 629 and 636 of NRS*
42 *relating to the custody of health care records.*

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

46 **Sec. 15.** *A licensee shall notify the Board of any change in the personal*
47 *mailing address or primary telephone number of the licensee ~~or~~ or any change of*
48 *the electronic mail address most recently provided by the licensee to the Board ~~for~~*
49 *~~a change of address of any location where the licensee practices optometry in this~~*
50 *~~State~~ not later than 30 calendar days after the change.*

51 **Sec. 16.** *A licensee shall report to the Board within 30 days the revocation,*
52 *suspension or surrender of, or any other disciplinary action taken against, a*
53 *license, certificate or registration to practice any occupation or profession issued*

1 to the licensee by another state or territory of the United States, the District of
2 Columbia or a foreign country.

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

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

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

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

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

25 4. As used in this section, "clinic" means a facility at which a licensed
26 optometrist or ophthalmologist provides services to patients.

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

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

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

40 3. A licensee may engage in synchronous optometric telemedicine to
41 perform a non-comprehensive examination of a new patient if the licensee has
42 access to all the information obtained from a comprehensive examination of the
43 patient that was conducted by an optometrist or ophthalmologist within the
44 immediately preceding 2 years.

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

49 (a) An optometrist, ophthalmologist or primary care physician providing care
50 to the patient requests that the licensee conduct the consultation and provides the
51 licensee with all the information about the patient that is necessary to determine
52 whether the patient requires a comprehensive examination; and

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

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

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

- 13 (a) *Acquiring data about the health of the patient;*
- 14 (b) *Assessing changes in previously diagnosed chronic health conditions;*
- 15 (c) *Confirming the stability of the health of the patient; or*
- 16 (d) *Confirming expected therapeutic results.*

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

22 8. *A licensee shall not engage in optometric telemedicine to provide any*
23 *health care service to the patient that the licensee has determined should be*
24 *provided in person.*

25 9. *A licensee engaging in optometric telemedicine or remote patient*
26 *monitoring shall not:*

27 (a) *Conduct himself or herself in a manner that violates the standard of care*
28 *required of an optometrist who is treating a patient in person, including, without*
29 *limitation, by issuing a prescription for ophthalmic lenses based solely upon ~~f~~*
30 *one or more of the following:*

- 31 (1) *Answers provided by a patient in an online questionnaire;*
- 32 (2) *The application of lensometry; or*
- 33 (3) *The application of auto-refraction; or*

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

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

38 636.015 As used in this chapter, unless the context otherwise requires, the
39 words and terms defined in NRS 636.016 to 636.023, inclusive, *and sections 2 to*
40 *12, inclusive, of this act* have the meanings ascribed to them in those sections.

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

42 636.143 1. At least once every 2 years, the Board shall review and, if the
43 Board deems it necessary, establish or revise, within the limits prescribed a
44 schedule of fees for the following purposes:

45
46 Not more than

47		
48	[1.] (a) Examinations.....	\$250
49	[2.] (b) [Applications for the issuance of a 1 year license	\$600
50	3. (c) Renewal Initial issuance or renewal of a license	\$1,200
51	[4. (d)] (c) Granting certification or issuing certificates	\$1,000
52	[5. (e)] (d) Licensing of extended clinical facilities and	
53	other practice locations.....	\$500

1 ~~16. (f)~~ (e) Individually verifying licensure or disciplinary
 2 status..... \$100
 3 ~~17. (g)~~ (f) Late fee \$1,000
 4 ~~18. (h)~~ (g) ***Initial issuance of a license to an applicant***
 5 ***who is a veteran..... \$600***
 6 (h) Any other service provided by the Board pursuant to
 7 this chapter \$1,000
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9
 10 ~~2. If a veteran submits an application for the issuance of a 1-year license, the Board shall collect not more than one-half of the fee specified in subsection 1 for the application for the issuance of a 1-year license.~~

11 ~~3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~

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

13
 14 636.145 1. ~~[A]~~ ***Except as otherwise provided in section 17 of this act, a***
 15 ***person shall not engage in the practice of optometry in this State unless:***

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

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

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

24 3. In addition to any other penalty prescribed by law, if the Board, after
 25 conducting an investigation and hearing in accordance with chapters 233B, 622 and
 26 622A of NRS, determines that a person has committed any act described in
 27 subsection 1, the Board may:

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

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

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

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

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

38 **Sec. 23.** ~~[NRS 636.150 is hereby amended to read as follows:~~

39 ~~636.150 Except as otherwise provided in NRS 636.206 and 636.207, any
 40 person applying for a license to practice optometry in this State must:~~

41 ~~1. File proof of his or her qualifications;~~

42 ~~2. Take and pass each examination identified, administered or approved by
 43 the Board;~~

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

45 ~~4. Submit to the Board a complete set of fingerprints and written permission
 46 authorizing the Board to forward the fingerprints to the Central Repository for
 47 Nevada Records of Criminal History for submission to the Federal Bureau of
 48 Investigation for its report; and~~

49 ~~5. Verify that all the information he or she has provided to the Board or to any
 50 other entity pursuant to the provisions of this chapter is true and correct.] **(Deleted
 51 by amendment.)**~~
 52

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

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

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

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

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

(b) ~~[A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 636.150;~~

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

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

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

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 ~~45~~ ⁺ days after receiving the ~~[additional information required by the Board to complete the] application.~~ ⁺ ~~or~~

~~— (a) Forty five days] days after receiving the [additional information required by the Board to complete the] application.~~ ⁺ ~~or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, which occurs later.]~~

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

Sec. 25. ~~[NRS 636.207 is hereby amended to read as follows:~~

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

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

~~1 (b) Is an active member of, or the spouse of an active member of, the Armed
2 Forces of the United States, a veteran or the surviving spouse of a veteran;~~

~~3 2. An applicant for a license by endorsement pursuant to this section must
4 submit to the Board with his or her application:~~

~~5 (a) Proof satisfactory to the Board that the applicant:~~

~~6 (1) Satisfies the requirements of subsection 1;~~

~~7 (2) Has not been disciplined or investigated by the corresponding
8 regulatory authority of the District of Columbia or any state or territory in which
9 the applicant holds a license to practice optometry; and~~

~~10 (3) Has not been held civilly or criminally liable for malpractice in the
11 District of Columbia or any state or territory of the United States;~~

~~12 (b) A complete set of fingerprints and written permission authorizing the
13 Board to forward the fingerprints to the Central Repository for Nevada Records
14 of Criminal History for submission to the Federal Bureau of Investigation for its
15 report;~~

~~16 (c) Satisfactory evidence that the person, within the immediately preceding
17 24-month period, has completed the number of hours in a course or courses of
18 continuing education that have been approved by the Board which are required
19 for the renewal of a license pursuant to NRS 636.260; and~~

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

~~22 [(e)] (e) Any other information required by the Board.~~

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

~~29 (a) Forty five days after receiving all the additional information required by
30 the Board to complete the application [.] ; or~~

~~31 (b) Ten days after the Board receives a report on the applicant's background
32 based on the submission of the applicant's fingerprints,
33 which occurs later.~~

~~34 4. A license by endorsement to practice optometry may be issued at a meeting
35 of the Board or between its meetings by the President and Executive Director of the
36 Board. Such an action shall be deemed to be an action of the Board.~~

~~37 5. At any time before making a final decision on an application for a license
38 by endorsement pursuant to this section, the Board may grant a provisional license
39 authorizing an applicant to practice optometry in accordance with regulations
40 adopted by the Board.~~

~~41 6. As used in this section, "veteran" has the meaning ascribed to it in NRS
42 417.005.] (Deleted by amendment.)~~

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

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

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

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

2. ~~[An optometrist]~~ **A person** who applies for a certificate of registration to
own all or any portion of an optometry practice under an assumed or fictitious name
must submit to the Board an application on a form provided by the Board. The
application must be accompanied by proof satisfactory to the Board that the

1 assumed or fictitious name has been registered or otherwise approved by any
2 appropriate governmental entity, including, without limitation, any incorporated
3 city or unincorporated town in which the optometrist practices, if the registration or
4 other approval is required by the governmental entity.

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

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

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

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

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

17 ~~— (a) Assumed or fictitious names associated with the optometry practice; and~~

18 ~~— (b) Owners of the optometry practice.~~

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

22 ~~5. [6.]~~ As used in this section, “assumed or fictitious name” means a name
23 other than the name of the optometrist printed on his or her license to practice
24 optometry.

25 **Sec. 27.** ~~[NRS 636.370 is hereby amended to read as follows:~~

26 ~~— 636.370 1. A person who has been issued an initial license to practice
27 optometry in this State or who is re-establishing a practice in this State shall, before
28 commencing the practice, notify the Executive Director, in writing, of the location
29 or locations where the person intends to practice.~~

30 ~~— 2. A licensee shall notify the Executive Director in writing before [changing
31 the location of his or her practice or] establishing an additional location to practice
32 optometry.] (Deleted by amendment.)~~

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

34 636.420 1. After providing notice and a hearing pursuant to chapter 622A of
35 NRS, the Board may impose an administrative fine of not more than \$5,000 for
36 each violation against a person licensed under this chapter who engages in any
37 conduct constituting grounds for disciplinary action set forth in NRS 636.295.

38 2. *In addition to any other penalty prescribed by law, if the Board
39 determines that a person has violated any provision of this chapter, the Board
40 may issue a citation to the person. A citation issued pursuant to this subsection
41 must be in writing, describe with particularity the nature of the violation and
42 inform the person of the provisions of this subsection. Each activity in which the
43 person is engaged constitutes a separate offense for which a separate citation
44 may be issued. To appeal a citation, the person must submit to the Board a
45 written request for a hearing not later than 30 days after the date of issuance of
46 the citation.*

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

48 652.130 1. Except as otherwise provided in NRS 652.127, the Board, with
49 the advice of the Medical Laboratory Advisory Committee, may prescribe and
50 publish rules and regulations relating to:

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

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

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

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

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

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

17 (a) Be a licensed physician; or

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

19 **3. Any regulations adopted by the Board pursuant to this section that**
20 **require the laboratory director of a laboratory in which the only tests performed**
21 **are tests that are classified as waived tests pursuant to Subpart A of Part 493 of**
22 **Title 42 of the Code of Federal Regulations to be a licensed physician must**
23 **include a licensed optometrist among the types of licensed physicians who are**
24 **qualified to serve as a laboratory director of such a laboratory.**

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

26 ~~652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121~~
27 ~~and 652.186, no person other than a licensed physician, a licensed optometrist, a~~
28 ~~person employed by a licensed optometrist or any medical provider or medical~~
29 ~~facility while acting under the direct supervision of a licensed optometrist, a~~
30 ~~licensed practical nurse, a registered nurse, a perfusionist, a physician assistant~~
31 ~~licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency~~
32 ~~medical technician, a certified paramedic, a practitioner of respiratory care licensed~~
33 ~~pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may~~
34 ~~manipulate a person for the collection of specimens. The persons described in this~~
35 ~~subsection may perform any laboratory test which is classified as a waived test~~
36 ~~pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations~~
37 ~~without obtaining certification as an assistant in a medical laboratory pursuant to~~
38 ~~NRS 652.127.~~

39 ~~2. The technical personnel of a laboratory may collect blood, remove stomach~~
40 ~~contents, perform certain diagnostic skin tests or field blood tests or collect material~~
41 ~~for smears and cultures.] (Deleted by amendment.)~~