

Amendment No. 572

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

| 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 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:

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 revises the fees associated with the initial issuance of a license. **Section 21** sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is a veteran, which is one-half of the maximum fee the Board is authorized to charge an applicant who is not a veteran.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain

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17 other requirements. (NRS 636.206) **Section 24** of this bill requires the: (1) corresponding
18 license to be active; and (2) applicant to not have been licensed by the Board to practice
19 optometry in this State in the immediately preceding year.

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

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

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

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

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

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

66 Existing law defines the term “telehealth” to mean the delivery of services from a
67 provider of health care to a patient at a different location through the use of information and
68 audio-visual communication technology, not including facsimile or electronic mail. (NRS
69 629.515) **Section 8** of this bill defines the term “optometric telemedicine” to mean, in general,
70 the use of telehealth by a licensed optometrist to deliver health care services within the scope
71 of the practice of optometry to a patient at a different location. **Section 19** of this bill
72 authorizes and sets forth certain requirements for the use of optometric telemedicine by a
73 licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a
74 licensed optometrist to have performed a comprehensive examination on a patient within the
75 immediately preceding 2 years to deliver health care services to the patient through optometric

76 telemedicine. **Section 19** additionally authorizes a licensed optometrist to remotely monitor
77 certain health data of a patient.

78 Existing law authorizes the State Board of Health to prescribe regulations relating to the
79 operation of medical laboratories and the qualifications of the directors of those laboratories.
80 (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists
81 among the licensed physicians qualified to serve as the laboratory director of certain
82 laboratories under certain 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 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 *procedures or actions are performed:*

10 (a) *The documentation of the primary reason for which the examination is*
11 *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;*

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

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

20 (g) *Eye pressure;*

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

22 (i) *A basic sensorimotor examination;*

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

25 (k) *Eye alignment;*

26 (l) *Visual acuities;*

27 (m) *Keratometry or autokeratometry;*

28 (n) *Anterior segment examination using a slit beam and magnification, as*
29 *through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes,*
30 *conjunctiva, pupil, cornea, anterior chamber and lens;*

31 (o) *Posterior segment examination that includes the examination of the optic*
32 *nerve, macula, retina and vessels; and*

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

35 2. *The term includes an examination in which a test, procedure or action*
36 *specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if*
37 *the person conducting the examination was unable to perform the test, procedure*
38 *or action and used an alternative method to obtain comparable data to that which*
39 *would have been obtained by the proper performance of the test, procedure or*
40 *action.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 3. *As used in this section:*

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

1 (b) "Management or administrative support services" includes, without
2 limitation, legal services and services relating to management, billing,
3 credentialing, accounting, marketing, the storage of electronic medical records,
4 the management of human resources, the provision of malpractice insurance,
5 information technology, the financing of equipment, recruitment, transactions
6 involving real estate and technical support for optometric telemedicine.

7 **Sec. 14. 1.** For not more than 1 year after the death of a licensee who is
8 the sole owner of an optometry practice, a surviving member of the licensee's
9 family may own the optometry practice without being licensed pursuant to this
10 chapter. Not later than 1 year after the death of the licensee, the surviving
11 member of the licensee's family shall transfer ownership of the optometry
12 practice to a licensee or dissolve the optometry practice.

13 2. The provisions of this section do not ~~abrogate~~ ;

14 (a) Exempt a person from the requirement to obtain a license pursuant to
15 this chapter to engage in the practice of optometry; and

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

19 3. As used in this section, "member of the licensee's family" means any
20 person related to the licensee by blood, adoption or marriage within the third
21 degree of consanguinity.

22 **Sec. 15.** A licensee shall notify the Board of any change in the personal
23 mailing address or primary telephone number of the licensee or any change of
24 the electronic mail address most recently provided by the licensee to the Board
25 not later than 30 calendar days after the change.

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

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

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

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

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

48 3. A person described in subsection 2 may, in an emergency, provide care to
49 a patient without an optometrist or ophthalmologist licensed in this State being
50 physically present at the clinic if the person consults with an appropriate
51 optometrist or ophthalmologist associated with the clinic to determine the proper
52 care and management of the treatment of the patient.

1 4. As used in this section, “clinic” means a facility at which a licensed
2 optometrist or ophthalmologist provides services to patients.

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

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

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

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

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

25 (a) *An optometrist, ophthalmologist or primary care physician providing care*
26 *to the patient requests that the licensee conduct the consultation and provides the*
27 *licensee with all the information about the patient that is necessary to determine*
28 *whether the patient requires a comprehensive examination; and*

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

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

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

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

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

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

44 (d) *Confirming expected therapeutic results.*

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

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

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

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

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

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

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

14 636.015 As used in this chapter, unless the context otherwise requires, the
15 words and terms defined in NRS 636.016 to 636.023, inclusive, **and sections 2 to**
16 **12, inclusive, of this act** have the meanings ascribed to them in those sections.

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

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

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22 Not more than

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| 24 | [1.] (a) Examinations..... | \$250 |
| 25 | [2.] (b) Applications for the issuance of a 1 year | |
| 26 | license | \$600 |
| 27 | 3. Renewal Initial issuance or renewal of a license..... | \$1,200 |
| 28 | [4.] (c) Granting certification or issuing certificates..... | \$1,000 |
| 29 | [5.] (d) Licensing of extended clinical facilities and | |
| 30 | other practice locations..... | \$500 |
| 31 | [6.] (e) Individually verifying licensure or | |
| 32 | disciplinary status..... | \$100 |
| 33 | [7.] (f) Late fee..... | \$1,000 |
| 34 | [8.] (g) Initial issuance of a license to an applicant | |
| 35 | who is a veteran | \$600 |
| 36 | (h) Any other service provided by the Board | |
| 37 | pursuant to this chapter..... | \$1,000 |
| 38 | | |

39 **2. As used in this section, “veteran” has the meaning ascribed to it in NRS**
40 **417.005.**

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

42 636.145 **1.** ~~[A]~~ **Except as otherwise provided in section 17 of this act, a**
43 **person shall not engage in the practice of optometry in this State unless:**

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

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

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

52 **3.** In addition to any other penalty prescribed by law, if the Board, after
53 conducting an investigation and hearing in accordance with chapters 233B, 622 and

1 622A of NRS, determines that a person has committed any act described in
2 subsection 1, the Board may:

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

5 (b) Issue a citation to the person ~~§~~ *pursuant to NRS 636.420.*

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

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

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

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

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

15 636.206 1. The Board may issue a license by endorsement to engage in the
16 practice of optometry to an applicant who meets the requirements set forth in this
17 section. An applicant may submit to the Board an application for such a license if
18 the applicant holds a corresponding valid , *active* and unrestricted license to engage
19 in the practice of optometry in the District of Columbia or any state or territory of
20 the United States.

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

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

24 (1) Satisfies the requirements of subsection 1;

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

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

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

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

35 ~~(5)~~ (6) Has not been held civilly or criminally liable for malpractice in
36 the District of Columbia or any state or territory of the United States;

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

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

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

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

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

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

2 636.350 1. ~~[An optometrist]~~ **A person** shall not own all or any portion of an
3 optometry practice under an assumed or fictitious name unless the ~~[optometrist has]~~
4 **person**:

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

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

8 2. ~~[An optometrist]~~ **A person** who applies for a certificate of registration to
9 own all or any portion of an optometry practice under an assumed or fictitious name
10 must submit to the Board an application on a form provided by the Board. The
11 application must be accompanied by proof satisfactory to the Board that the
12 assumed or fictitious name has been registered or otherwise approved by any
13 appropriate governmental entity, including, without limitation, any incorporated
14 city or unincorporated town in which the optometrist practices, if the registration or
15 other approval is required by the governmental entity.

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

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

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

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

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

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

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

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

32 636.420 1. After providing notice and a hearing pursuant to chapter 622A of
33 NRS, the Board may impose an administrative fine of not more than \$5,000 for
34 each violation against a person licensed under this chapter who engages in any
35 conduct constituting grounds for disciplinary action set forth in NRS 636.295.

36 2. ~~[In addition to any other penalty prescribed by law, if]~~ **If the Board**
37 **determines that a person has violated any provision of this chapter, the Board**
38 **may issue a citation to the person. The citation may contain an order to pay an**
39 **administrative fine of not more than \$1,000 for each violation or, for a violation**
40 **described in subsection 1, \$5,000 for each such violation. A citation issued**
41 **pursuant to this subsection must be in writing, describe with particularity the**
42 **nature of the violation and inform the person of the provisions of this subsection.**
43 **Each activity in which the person is engaged constitutes a separate offense for**
44 **which a separate citation may be issued. To appeal a citation, the person must**
45 **submit to the Board a written request for a hearing not later than 30 days after**
46 **the date of issuance of the citation. The Board shall provide notice of and**
47 **conduct a hearing requested pursuant to this subsection in accordance with the**
48 **provisions of chapter 622A of NRS.**

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

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

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

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

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

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

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

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

19 (a) Be a licensed physician; or

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

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

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