

STATE OF NEVADA



Board of Dispensing Opticians

REVISED: Notice of Meeting for the Review of NAC Chapter 637, Pursuant to Executive Order 2023-003

The Nevada State Board of Dispensing Opticians will hold a meeting at 5:00 p.m. on Thursday, April 20, 2023, to receive comments from all interested persons regarding proposed revisions to Chapter 637 of the Nevada Administrative Code, which governs the practice of ophthalmic dispensing. Specifically, the purposes of the meeting are to: 1) vet the recommended changes, 2) solicit input as to the merits of those changes, and 3) identify other regulatory changes stakeholders feel are worthy of consideration. The meeting will be held via teleconference, and all may attend by dialing: **(617) 829-6755**.

The proposed revisions include, without limitation: (1) interpreting various terms included in the definition of ophthalmic dispensing in Chapter 637 of the Nevada Revised Statutes; (2) revising the definition of “dispensing optician” to include persons who hold a limited license as a dispensing optician; (3) clarifying that “managing a business engaged in ophthalmic dispensing” refers to acting as an ophthalmic manager, as described in the regulation; (4) clarifying a provision related to what constitutes a quorum of the Board; (5) removing provisions related to “special licenses”; (6) clarifying the scope of practice of laboratory personnel; (7) reorganizing and clarifying provisions related to applying for a license as a dispensing optician and an apprentice dispensing optician; (8) revising provisions related to administering exams; (9) clarifying the terms of license inactivation and reactivation; (11) reorganizing fees into a single section; (12) reorganizing provisions related to “unethical or unprofessional conduct”; (13) revising provisions related to the required equipment for ophthalmic dispensing; and (14) revising provisions related to apprentice licensure, including application requirements, education and training requirements, supervision, and limits on license renewal.

Persons wishing to comment on the proposed revisions may attend the scheduled meeting or address their comments, data, views, or arguments, in written form, to: Nevada State Board of Dispensing Opticians, 4790 Caughlin Parkway #241, Reno, Nevada 89519-0907, or by email to: info@nvopticians.org. Written submissions must be received on or before April 19, 2023. If no interested persons attend the meeting in-person (by phone) to make presentations, the Board may proceed immediately to act upon any written submissions.

STATE OF NEVADA
Board of Dispensing Opticians

REVISED Notice of Public Meeting:
April 20, 2023 at 5:00 p.m.

This meeting will be conducted via teleconference. All interested parties may attend by dialing:
(617) 829-6755

1. Call to Order.
2. General Public Comment. *In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments may be limited to three (3) minutes. No action will be taken on any items raised in the public comment period.*
3. FOR POSSIBLE ACTION: Review and discuss potential revisions to Chapter 637 of the Nevada Administrative Code.
4. General Public Comment. *In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments may be limited to three (3) minutes. No action will be taken on any items raised in the public comment period.*
5. Adjourn.

Please note: Items on the agenda may be taken out of order, combined for consideration, or removed from the agenda at any time.

This notice will be posted on the following websites:

nvbdo.nv.gov
notice.nv.gov

A copy of this notice will be posted at **4747 Caughlin Parkway, Ste. 8, Reno, Nevada 89519-0907.**

Copies of this notice and the proposed revisions to the regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Members of the public who require special accommodations or assistance at the meeting are required to notify Corinne Sedran, Executive Director, in writing at the Nevada State Board of Dispensing Opticians, 4790 Caughlin Parkway #241, Reno, Nevada 89519-0907, or by email at: info@nvopticians.org, no later than April 19, 2023.

NAC CHAPTER 637: Revisions Recommended Pursuant to Executive Order 2023-003

KEY:

Blue bold italic: new language/text added

~~Red strikethrough:~~ language/text removed

Yellow highlight: Board staff notes/explanations for revisions

GENERAL PROVISIONS

Rationale: Remove redundant language; “dispensing optician” currently defined in two separate sections of the regulation; language from definition under NAC 637.130 replaces this language and that section is repealed.

637.006 “Dispensing optician” means ~~[a]~~ :

1. A person ~~[engaged in the practice of ophthalmic dispensing.]~~ ***who holds a license as a dispensing optician pursuant to NRS 637.120; or***
2. ***A person who holds a limited license as a dispensing optician pursuant to NRS 637.121.***

Rationale: clarify and condense provisions related to management; relocate provisions to 637.144 to consolidate.

637.009 As used in this chapter and NRS 637.090, the Board will interpret the term “manage ~~a business engaged in ophthalmic dispensing~~ ***an optical establishment***” to mean ~~[having the responsibility for ophthalmic dispensing and having direct supervisory responsibility for employees who engage in ophthalmic dispensing, including employees who are not licensed pursuant to this chapter and chapter 637 of NRS, at a single place of business.]~~ ***acting as an ophthalmic manager as described in NAC 637.144.***

BOARD OF DISPENSING OPTICIANS

Rationale: clarity

637.110 1. A majority ~~[vote]~~ ***of the members of the Board constitutes a quorum. A*** quorum of the Board is necessary to conduct ~~the~~ ***business of the Board.***

2. *Robert’s Rules of Order* govern the general conduct of meetings of the Board when not otherwise provided by these rules or by law. Persons who willfully disrupt meetings may be removed.

3. Special meetings may be called by the President of the Board on his or her own motion or by written consent of two or more other Board members.

LICENSING

Rationale: remove redundant language (dispensing optician defined above in NAC 637.090)

~~NAC 637.130—Definitions. (NRS 637.070)—As used in NAC 637.130 to 637.230, inclusive, unless the context otherwise requires:~~

~~“Dispensing optician” means a person who holds a license as a dispensing optician pursuant to NRS 637.120; and “Dispensing optician with a limited license” means a person who holds a limited license as a dispensing optician pursuant to NRS 637.121.~~

~~—(Added to NAC by Bd. of Dispensing Opt. by R108-04, eff. 12-1-2004)~~

Rationale: streamlining; special licenses proposed for removal from NRS in AB 415

~~637.132 With respect to an applicant for a special license as a dispensing optician pursuant to NRS 637.127, the Board will interpret:~~

1. ~~The requirement of passing an examination administered by the Board set forth in paragraph (i) of subsection 1 of NRS 637.127 to mean that the applicant must pass the Board’s examination for a license as a dispensing optician set forth in NAC 637.160.~~

~~2. The requirement [of] 5 years of experience as a dispensing optician set forth in subparagraph (2) of paragraph (j) of subsection 1 of NRS 637.127 to include as a portion thereof the requirement of 100 hours of experience relating to the fitting and filling of prescriptions for contact lenses set forth in subsection 1 of NAC 637.148.~~

Rationale: remove wordy/redundant language; streamline provisions exempting lab personnel from licensing requirements

637.140 1. Except as otherwise provided by specific statute, a person who does not hold a license ~~as a dispensing optician, a limited license as a dispensing optician or a license as an apprentice dispensing optician~~ issued pursuant to this chapter and chapter 637 of NRS shall not provide any ophthalmic products directly to the public.

2. Laboratory personnel, including, without limitation, laboratory technicians, ~~shall be deemed not to be engaged in the practice of ophthalmic dispensing and are not required to be licensed pursuant to NRS 637.090 if the laboratory personnel:~~

~~(a) Except as otherwise provided in subsection 3, do not perform any of the acts described in subsection 1 or 2 of NRS 637.022; and~~

~~(b) Provide ophthalmic products only and directly to licensed dispensing opticians, licensed ophthalmologists and licensed optometrists.~~

3. ~~Without~~ **may, without** obtaining a license pursuant to this chapter and chapter 637 of NRS, ~~as a laboratory technician may~~ perform any act to the fullest extent for which a license is not required pursuant to this chapter and chapter 637 of NRS, including, without limitation, grinding lenses or fabricating eyewear, as described in paragraph (b) of subsection 2 of NRS 637.022. **Laboratory personnel shall not provide an ophthalmic product to anyone other than a dispensing optician, ophthalmologist or optometrist.**

4. As used in this section, “ophthalmic products” includes, without limitation:

(a) Ophthalmic lenses for sunglasses, dive masks, sports goggles and occupational goggles;

(b) Ophthalmic prescription lenses;

(c) Ophthalmic devices that have dioptric power and are attached to eyeglasses; and

(d) All prescription and nonprescription contact lenses, including, without limitation, prepackaged contact lenses, individual contact lenses, cosmetic contact lenses and theatrical contact lenses.

Rationale: streamline language; clarify “manage” language in NRS refers to management of each individual optical establishment, and not an entire business; streamline provisions related to apprentices

637.144 1. ~~An~~ **Pursuant to NRS 637.090, each optical establishment must have an** ophthalmic manager **[:]** **who:**

(a) ~~Must be~~ **Is** a dispensing optician **;** ~~for a dispensing optician with a limited license;~~

(b) Is responsible for supervising ~~the~~ **all aspects of** ophthalmic dispensing and ~~the consulting on optical fashions conducted at a business engaged in~~ **any attendant operations ophthalmic dispensing [:] of the optical establishment.**

(c) Must, within 10 days after becoming the ophthalmic manager of the ~~business,~~ **optical establishment,** notify the Board, in writing, that he or she is the ophthalmic manager.

2. ~~Each ophthalmic dispensing area of a business engaged in ophthalmic dispensing must have~~ **A dispensing optician may not be** an ophthalmic manager ~~as described in subsection 1 and a business manager.~~

~~3. The~~ **for more than one optical establishment.**

3. ~~Except as otherwise provided in this subsection, the~~ ophthalmic manager ~~and the business manager may be the same person. The ophthalmic manager~~ must be ~~in charge of the ophthalmic dispensing area and have ultimate authority with respect to any matter relating to ophthalmic dispensing governed by the provisions of this chapter or chapter 637 of NRS, and the decision of~~ **on duty during the hours that the optical establishment is engaged in ophthalmic dispensing unless** the ophthalmic manager ~~with respect to any such matter may not be superseded by the business manager. If the business manager is not the~~ **has assigned another dispensing optician to act as a substitute** ophthalmic manager. ~~the business manager may not make decisions concerning ophthalmic dispensing but may make other business decisions.~~

4. An apprentice dispensing optician shall not ~~+~~
(a) ~~Act~~ **act** as an ophthalmic manager ~~for a business manager; or~~
(b) ~~Under any circumstances have any authority to, or act in such a manner as to, supersede the authority or any decision of a dispensing optician or a dispensing optician with a limited license.~~ **or assume any type of supervisory role over a dispensing optician within an optical establishment.**

Rationale: remove inflexible and unnecessary provision related to contact lens training; requirement now combined with other licensing requirements in Section 637.150.

~~NAC 637.148—Completion and proof of required hours of training and experience. (NRS 637.070, 637.100)~~

~~1.—Except as otherwise provided in subsection 3, an applicant for a license as a dispensing optician must furnish proof on a form provided by the Board and signed by the supervisor of the applicant that he or she has completed the following hours of training and experience relating to the fitting and filling of prescriptions for contact lenses required pursuant to subparagraph (2) of paragraph (g) of subsection 1 of NRS 637.100:~~

- ~~(a) Thirty hours of contact lens fitting;~~
- ~~(b) Twenty hours of follow-up care relating to contact lens fitting;~~
- ~~(c) Twenty hours of instrumentation;~~
- ~~(d) Fifteen hours of insertion and removal of contact lenses;~~
- ~~(e) Ten hours of inspection of contact lenses; and~~
- ~~(f) Five hours of filling prescriptions for contact lenses.~~

~~2.—The completion of one or more courses of instruction in contact lens fitting or contact lens theory in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board may count toward the completion of the hours of training and experience described in subsection 1.~~

~~3.—The Board may request and accept other documentation proving that an applicant has completed the hours of training and experience described in subsection 1.~~

~~4.—As used in subsection 1, “supervisor” means an ophthalmologist, an optometrist or a dispensing optician.~~

~~—(Added to NAC by Bd. of Dispensing Opt. by R108-04, eff. 12-1-2004; A by R073-12, 6-3-2013)~~

Rationale: streamline and clarify licensing requirements; remove redundant language; amend reference to incorrect statute section; Board no longer administers its own exam because national exam is available; added provision for foreign applicants; provisions related to apprenticeship training requirements will be consolidated under 637.285; NRS references updated according to language in AB 415.

~~—637.150-1. An application **applicant** for [an examination required to obtain] a license as a dispensing optician pursuant to NRS [637.120] **637.100** must be made to the Board on forms provided by the Board.~~

~~2. The applicant must provide with the application, in a manner approved by the Board:~~

- (a) Proof that he or she has met the requirements set forth in NRS 637.100 and **NAC 637.285**.
- (b) Three letters concerning his or her character from references, one of which must be from a dispensing optician or a person who has worked in the optical industry with the applicant. **Such letters may be sent electronically to the Board.**
- (c) ~~An affidavit attesting to the truthfulness of all statements made in the application.~~
- (d) ~~[Proof of completion of the hours of training and experience required pursuant to subparagraph (2) of paragraph (f) of subsection 1 of NRS 637.100.~~

~~(e)]~~ A statement indicating whether ~~he or she~~ **the applicant** has had a professional license revoked or suspended in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the revocation or suspension and, if requested by the Board, submit to a background check.

~~[(f)]~~ (e) A statement indicating whether ~~he or she~~ **the applicant** has been convicted of a misdemeanor, gross misdemeanor or felony in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the conviction and, if requested by the Board, submit to a background check.

~~{(g)} Proof that the applicant has accurately and correctly neutralized the prescriptions of not less than 100 pairs of prescription spectacles.~~

3. For the purposes of paragraph ~~(e)~~ *(a)* of subsection 1 of NRS 637.100, the Board will consider an applicant who has received a general equivalency diploma *or verification of an equivalent secondary school education from another country* to have graduated from the equivalent of an accredited high school.

~~4. [An applicant who has successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board must obtain the required 1,000 hours of training and experience.]~~

5. An affidavit attesting to the truthfulness of all statements made in the application. The submission of false or misleading statements on the application filed with the Board or the failure to provide information required on any form is sufficient cause for the Board to reject the application or revoke the license of a dispensing optician.

Rationale: remove redundant/confusing language; updated to reflect current examination practices of the Board (use of a national exam)

637.160 1. The Board's examination for a license as a dispensing optician will test the ~~{dispensing skills and knowledge of the applicant.~~

~~2. The examination will test the~~ applicant's proficiency and knowledge in the following subjects:

- (a) Neutralization of ophthalmic products;
- (b) Ophthalmic product identification;
- (c) Ophthalmic instrumentation;
- (d) Optical theory;
- (e) Dispensing of ophthalmic products;
- (f) The provisions of this chapter and chapter 637 of NRS; and
- (g) Anatomy, physiology and health of the eye

~~{3.}~~ 2. If an applicant for a license as a dispensing optician holds a limited license as a dispensing optician in good standing, the Board may ~~{modify the}~~ use an examination *other than the examination described in {this section} subsection 1* to test the applicant's proficiency and knowledge in the following subjects:

- (a) Neutralization of ophthalmic products;
- (b) Instrumentation and fitting;
- (c) Basic contact lens;
- (d) The provisions of this chapter and chapter 637 of NRS; and
- (e) Slide identification.

~~{4.}~~ 3. The Board may ~~{employ}~~ :

(a) Employ others to {assist in administering} administer the {examination.} examinations described in subsections 1 and 2; or

(b) Use examinations that are administered by an independent organization if the examinations satisfy the requirements set forth in subsections 1 and 2.

Rationale: clarify time limits on holding an inactive license; allow a licensee to inactivate a license more than once; allow for electronic notice.

637.215 ~~{The holder of a license as a dispensing optician or a limited license as a}~~

1. A dispensing optician who has paid the fee for the transfer of the license to an inactive list as set forth in NAC 637.220:

[1.] (a) Will remain on the inactive list for a period of 5 years, unless the holder of the license renews his or her inactive status pursuant to ~~{subsection 3}~~ *paragraph (c)* or reactivates the license pursuant to ~~{subsection 4.}~~

~~2.}~~ *paragraph (d).*

(b) Is not required to obtain the credits for continuing education required for the holder of an equivalent license that is on active status.

~~3-1~~ (c) May renew his or her inactive status for a second *consecutive* 5-year period. To renew his or her inactive status, the holder of the license must submit to the Board a written notice of extension.

~~4-1~~ (d) May reactivate his or her license by:

~~[(a)]~~ (1) Submitting ~~a letter~~ *written notice* to the Board requesting the reactivation of the license

~~1-~~

~~(b)]~~ (2) Obtaining, within the 12 months immediately preceding the submission of the ~~letter~~ *notice* requesting reactivation of the license ~~1-~~

~~(1)]~~ (I) If the holder is a dispensing optician, 14 hours of continuing education credits, as required pursuant to NAC 637.200; or

~~(2)]~~ (II) If the holder is a dispensing optician with a limited license, 12 hours of continuing education credits, as required pursuant to NAC 637.200;

~~(e)]~~ (3) Submitting an application for the renewal of ~~[a]~~ *the* license; and

~~(d)]~~ (4) Paying the fee for reactivation of the license as set forth in NAC 637.220.

2. If the dispensing optician reactivates the license or limited license, as applicable, pursuant to subsection 1, the dispensing optician may again at a later time transfer the license or limited license, as applicable, to the inactive list in the manner set forth in subsection 1.

Rationale: Fees provisions combined/streamlined; certain provisions related to limited licenses removed, as the statute was previously amended to phase out this license type.

637.220 1. *The fee for an application for an:*

(a) Initial license as a dispensing optician is \$100.

(b) Initial license as an apprentice dispensing optician is \$100.

2. Unless waived pursuant to subsection ~~2-1~~ 3, the fee for the annual renewal of a:

(a) License as a dispensing optician is \$300.

(b) Limited license as a dispensing optician is \$200.

~~2-1~~ (c) *License as an apprentice dispensing optician is \$100.*

3. The Board will waive the annual renewal fee set forth in subsection ~~1-1~~ 2 for:

(a) The first renewal if the initial license ~~or limited license~~ was issued ~~[to the dispensing optician]~~ on or after November 1; or

(b) The first renewal if the license ~~or limited license~~ was reactivated on or after November 1.

~~3-1~~ 4. The annual delinquency fee for the reinstatement of a:

(a) License as a dispensing optician is \$300.

(b) Limited license as a dispensing optician is \$200.

~~4-1~~ (c) *License as an apprentice dispensing optician is \$100.*

5. The fee for the transfer of a ~~1-1~~

~~(a)~~ License as a dispensing optician to an inactive list is \$300.

~~(b) Limited license as a dispensing optician to an inactive list is \$200.~~

6. The fee for the reactivation of a:

(a) License as a dispensing optician is \$300.

(b) Limited license as a dispensing optician is \$200.

Rationale: remove unnecessary provision - licensees can now print duplicate certificates on demand.

~~NAC 637.225— Issuance of duplicate license. (NRS 637.070, 637.120) The Board may, upon the receipt of a written application and the payment of a fee of \$25, issue a duplicate license to the applicant. —(Added to NAC by Bd. of Dispensing Opt., eff. 3-7-90; A by R073-12, 6-3-2013)~~

Rationale: update provisions to allow for electronic communications to licensees; clarify reporting requirements pertain to mailing address and not “program address”; allow licensees to update their information electronically

637.230 1. Each licensee ~~[in this State]~~ shall file with the Board the licensee’s home or mailing address, *electronic mail address*, and business address.

2. The Board must be notified *in a manner prescribed by the Board* of a change of a licensee's ~~program~~ *home or mailing* address *or electronic mail address* within 30 days of such change.

3. The Board must be notified *in a manner prescribed by the Board* of a change of a licensee's business address within 10 days of such change.

PROFESSIONAL PRACTICE

Rationale: clarify meaning of “unprofessional conduct” as it pertains to opticians who are supervising apprentices; streamline provisions and remove definitions that are elsewhere in the regulation or statute.

637.235 1. As used in paragraph (l) of subsection 1 of NRS 637.150, the Board will interpret the phrase “unethical or unprofessional conduct” to include, without limitation:

- (a) Performing acts beyond the scope of the practice of ophthalmic dispensing;
- (b) Performing dispensing duties while under the influence of intoxicating liquor or a controlled substance;
- (c) Presenting any false or deceptive information to the Board or the public;
- (d) Engaging in the sexual harassment of any employee or consumer ~~[;]~~ *, including, without limitation, making unwelcome sexual advances, making requests for sexual favors or engaging in some other speech or physical conduct that is of a sexual nature and which has the purpose or effect of unreasonably interfering with the work performance of an employee or creating an environment which is intimidating, hostile or offensive to an employee or consumer;*
- (e) Attempting to obtain or retain a consumer, either directly or indirectly, by way of intimidation, coercion or deception;
- (f) Engaging in conduct that would lead to the harm or endangerment of the public;
- (g) Engaging in conduct that would be a violation of NAC 637.237;
- (h) Violating an order issued by the Board; or
- (i) Failing to cooperate with an investigation conducted by the Board, including, without limitation, failing to provide documents requested by a member of the Board, the staff of the Board or an investigator for the Board.

2. In addition to the conduct listed in subsection 1, the Board will further interpret the phrase “unethical or unprofessional conduct” to include a ~~[supervisor of record]~~ *dispensing optician* who allows an apprentice dispensing optician whom the ~~[supervisor of record directly]~~ *dispensing optician* supervises to perform any task:

- (a) For which the apprentice dispensing optician is not trained;
- (b) Which is outside the scope of practice of an apprentice dispensing optician; or
- (c) Without the direct supervision of the ~~[supervisor of record]~~.

~~3. As used in this section:~~

~~(a) “Directly supervise” means physically providing individual direction, control, inspection and evaluation of work based on the training, experience and education of the apprentice dispensing optician, and any other relevant factors.~~

~~(b) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an environment which is intimidating, hostile or offensive to an employee or consumer.~~

~~(c) “Supervisor of record” means an ophthalmologist, an optometrist or a dispensing optician who directly supervises an apprentice]~~ dispensing optician.

Rationale: update and streamline dispensing equipment requirements

637.241 1. A dispensing optician:

- (a) Shall have the following optical equipment at the place of dispensing:
 - (1) A lens clock;
 - (2) A lensometer; and

- (3) A ~~[pupilometer.]~~ *manual or digital device that is used for taking optical measurements;*
(b) *Shall have the following optical equipment at the place of dispensing if he or she fits contact lenses:*
(1) *A slit lamp;*
(2) *A radiuscope;*
(3) *A digital or manual keratometer or autorefractor;*
(4) *A contact lens loop;*
(5) *A thickness and diameter gauge;*
(6) *A fluoresceine scope; and*
(7) *Trial contact lenses; and*
(c) *May have such additional equipment as he or she determines necessary.*
2. All equipment must be in good working order.

Rationale: remove provisions that have been combined, streamlined, and updated above.

~~NAC 637.245—Equipment for fitting contact lenses. (NRS 637.070)—A dispensing optician shall not fit contact lenses unless the dispensing optician has access to equipment for fitting contact lenses on the premises, including, without limitation:~~

- ~~1. A slit lamp;~~
 - ~~2. A radiuscope;~~
 - ~~3. A keratometer (different types: digital and manual); topographer; auto-refractor;~~
 - ~~4. A contact lens loop;~~
 - ~~5. A thickness and diameter gauge;~~
 - ~~6. A fluoresceine scope; and~~
 - ~~7. Trial lenses.~~
- ~~—(Added to NAC by Bd. of Dispensing Opt., eff. 10-26-95; A 11-14-97)~~

APPRENTICE DISPENSING OPTICIANS

Rationale: streamline and clarify licensing requirements; add provision for foreign applicants; remove unnecessary or unenforceable requirements; clarify affidavit provision and make it consistent with provision for dispensing optician application; clarify which portion of the application must be certified by the supervisor; remove redundant fee provision (addressed in fees section 637.220)

637.260 1. ~~To qualify for licensure as an apprentice dispensing optician,~~ *An applicant for a license as an apprentice dispensing optician* must ~~furnish proof that the applicant~~ *provide with the application, on forms provided by the Board or in some other manner approved by the Board:*

- (a) *Proof that the applicant* Is at least 18 years of age.
 - ~~(b) Is of good moral character.~~
 - ~~(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~
 - ~~(d)~~ *Proof that the applicant* Is a graduate of an accredited high school or its equivalent. *For the purposes of this section, the Board will consider an applicant who has received a general equivalency diploma or verification of an equivalent secondary school education from another country to have met this requirement.*
2. ~~Each person desiring to be employed as an apprentice dispensing optician must file an application with the Board stating:~~
- ~~(a) The date of the application for licensure.~~
 - ~~(b)~~ (c) The name and address of the optical establishment where the apprenticeship will be conducted.
 - ~~(c)~~ (d) The name and license number of the supervisory ophthalmologist, optometrist or dispensing optician.
 - ~~(d) [The name and license number of the ophthalmic manager of the optical establishment where the apprenticeship will be conducted and, if applicable, the name of the business manager.]~~

(e) A statement indicating whether he or she has had a professional license revoked or suspended in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the revocation or suspension and, if requested by the Board, submit to a background check.

(f) A statement indicating whether he or she has been convicted of a misdemeanor, gross misdemeanor or felony in this State or any other state or jurisdiction. If so, the applicant must disclose the circumstances of the conviction and, if requested by the Board, submit to a background check.

(g) An affidavit attesting the truthfulness of the statements made pursuant to this section. The submission of false or misleading statements on the application filed with the Board or the failure to provide information required on any form is sufficient cause for the Board to reject the application or revoke the license of a dispensing optician.

3. Each application must be ~~certified under oath by the applicant and~~ *accompanied by a statement made by the supervising ophthalmologist, optometrist or dispensing optician [.] on a form prescribed by the Board in which the supervising ophthalmologist, optometrist or dispensing optician certifies under oath to train and supervise the apprentice dispensing optician in accordance with the provisions of this chapter and chapter 637 of NRS.*

~~4. A fee of \$100 must accompany each application. The fee will not be refunded.~~

Rationale: Fees provisions removed here and combined/streamlined into single section with other fees (637.220).

~~NAC 637.265 — Fee for renewal or reinstatement of license. (NRS 637.070, 637.123)~~

~~1. — The fee for the annual renewal of a license as an apprentice dispensing optician is \$100.~~

~~2. — The annual delinquency fee for reinstatement of a license as an apprentice dispensing optician is \$100.~~

~~(Added to NAC by Bd. of Dispensing Opt. by R108-04, eff. 12-1-2004; A by R106-14, 11-2-2016)~~

Rationale: streamline provisions related to apprentice supervision and remove redundant provisions (directly supervise is already defined in statute); clarify reporting requirements; allow for electronic reporting

637.280 1. An apprentice dispensing optician must have on file with the Board a supervisor of record who is licensed in this State ~~[.] as a dispensing optician, ophthalmologist or optometrist.~~ An apprentice dispensing optician may not have more than one supervisor of record. A licensed dispensing optician may be the supervisor of record for not more than two apprentice dispensing opticians.

2. Except as otherwise provided in this subsection, the supervisor of record of an apprentice dispensing optician must ~~be on the premises of the optical establishment at all times to~~ directly supervise the apprentice dispensing optician. In all instances of the absence of the supervisor of record, a substitute supervisor who is licensed in this State must be obtained to directly supervise the apprentice dispensing optician.

~~[3.]~~ 4. When a permanent change of supervision is made, the apprentice dispensing optician shall , *within 10 business days*, notify the Board ~~[.] in writing [.] in a manner prescribed by the Board~~ of the permanent change ~~[within 10 business days after the permanent change. 4.] and submit the statement required pursuant to subsection 2 from the new supervisor of record. "Permanent change" means a change that lasts 7 days or longer.~~

5. A supervisor of record or a substitute supervisor shall not directly supervise more than two apprentice dispensing opticians at any one time.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6.]~~ 7, an apprentice dispensing optician and his or her supervisor of record must be employed by the same employer at the same ~~[work location. 6.] optical establishment.~~

7. An apprentice dispensing optician may be directly supervised by any licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, licensed ophthalmologist or licensed optometrist in order to complete the 100 hours of training and experience in the fitting and filling of prescriptions for contact lenses required pursuant to subparagraph (2) of paragraph ~~[(g)]~~ (f) of subsection 1 of NRS 637.100.

~~[7.]~~ 8. An apprentice dispensing optician, his or her supervisor of record and his or her substitute supervisor must be able to read, write, speak and understand the English language.

~~[8.]~~ 9. The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.

~~[9.] As used in this section:~~

~~(a) "Directly supervise" means physically providing individual direction, control, inspection and evaluation of work based on the training, experience and education of the apprentice dispensing optician, and any other relevant factors.~~

~~(b) "Permanent change" means a change [in the supervisor of record of an apprentice dispensing optician] that lasts 7 days or longer.~~

~~(c) "Supervisor of record" means an ophthalmologist, an optometrist or a dispensing optician who directly supervises the apprentice dispensing optician.~~

Rationale: Remove provisions related to 40-month deadline to complete apprenticeship requirements that are confusing and do not coincide with current renewal cycles or NRS provisions; clarify education requirements and deadlines contained in NRS 637.100 (as required by statute); clarify limits on apprentice license renewals contained in NRS 637.123(3); provisions related to required neutralizations/contact lens training consolidated into this section (previously in 637.150); provision added to allow for prior experience credit; provisions related to requesting extensions and prohibitions on license renewal streamlined and moved to 637.290.

637.285 1. An apprentice dispensing optician shall, within 6 months after the date of his or her initial licensure as an apprentice dispensing optician, submit evidence to the Board that he or she:

(a) Is enrolled in an educational program on ~~the theory of~~ ophthalmic dispensing *or in a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing* approved by the Board ~~;~~ *, as required pursuant to paragraph (c) of subsection 1 of NRS 637.100;* or

(b) Has ~~received adequate prior ophthalmic experience in lieu of the completion of an~~ *successfully completed the* educational program *or course of study that is* described in paragraph (a).

2. The Board will inactivate the license of an apprentice dispensing optician who fails to enroll in an educational program *or course of study* or fails to submit evidence of ~~[experience]~~ *successfully completing the educational program or course of study* to the Board and within the time required by subsection 1. The Board will notify the apprentice dispensing optician of such action. The decision to inactivate the license may be appealed by the apprentice dispensing optician by submitting a written request to the Board within 30 days after the license becomes inactive.

3. ~~[Except as otherwise provided in subsection 4, an]~~ *An* apprentice dispensing optician who ~~is required to complete~~ *completes* the educational program ~~[required by]~~ *described in* paragraph (a) of subsection 1 must ~~[complete the program not more than 40 months after the date of his or her initial licensure as an apprentice dispensing optician.~~

~~4. An apprentice dispensing optician may request an extension of the 40-month time limit imposed by subsection 3. Such an extension:~~

~~(a) May not exceed 12 months; and~~

~~(b) Must be requested on a form provided by and submitted to the Board not later than 90 days before the expiration of the 40-month time limit imposed by subsection 3.~~

~~5. Upon receipt of a request for an extension pursuant to subsection 4, the Board will grant the request if the Board finds that:~~

~~(a) The reason for or cause necessitating the request for an extension is the result of circumstances that are emergent or were unforeseeable or otherwise outside the control of the apprentice dispensing optician;~~

~~(b) The length of the requested extension is reasonable under the circumstances; and~~

~~(c) The apprentice dispensing optician will be able to complete his or her educational program within the requested extension of time.~~

~~6.]~~ *receive at least 2,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing during the 2 years of training required pursuant to subparagraph (1) of paragraph (e) of subsection 1 of NRS 637.100.*

4. An apprentice dispensing optician who ~~fails to complete his or her educational program in the time required by this section may not renew his or her license as an apprentice dispensing optician.~~

7. ~~An apprentice dispensing optician who is not allowed to renew his or her license pursuant to subsection 6 may reapply for initial licensure as an apprentice dispensing optician not sooner than 1 year after the date on which his or her previous license as an apprentice dispensing optician expired.~~ *completes a course of study in a school which offers a degree of associate of science in ophthalmic dispensing described in paragraph (a) of subsection 1 must receive at least 1,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing during the 1 year of training required pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 637.100.*

5. *The training described in subsections 3 and 4 must include the neutralization of at least 100 pairs of spectacles and 100 hours of contact lens dispensing, as prescribed by the Board.*

6. *The Board may, in its discretion, grant an apprentice dispensing optician credit for training and experience that was completed before the date on which an application for initial licensure as an apprentice dispensing optician was submitted.*

Rationale: clarification and streamlining of limits on apprentice license renewal and issuance of a new licenses and requesting an extension of an apprenticeship (originally in 637.285, moved here); removal of confusing provisions related to hours of experience; removal of irrelevant provisions related to limited licenses (no longer issued).

NAC 637.290 Training and experience; areas of instruction. ([NRS 637.070](#), [637.100](#))

~~—1.— An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to [NRS 637.120](#) must receive instruction and personal supervision in the skills required in an optical establishment and in related duties during the 3 years of training required pursuant to subparagraph (1) of paragraph (f) of subsection 1 of [NRS 637.100](#). Such training must include at least 2,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.~~

~~—2.— An apprentice dispensing optician who desires to obtain a license as a dispensing optician pursuant to [NRS 637.120](#) and who has successfully completed a course of study in a school which offers a degree of associate of science in ophthalmic dispensing must receive at least 1,000 hours of training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory and the performance of other duties related to ophthalmic dispensing.~~

~~—3.— The completion of one or more courses taught in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing may count toward the completion of the hours of training and experience required pursuant to subsections 1 and 2 if the courses:~~

~~—(a) Provide the apprentice dispensing optician with instruction equivalent to training and experience at the fitting table and in preparing laboratory orders, verifying processed work from the laboratory or the performance of other duties related to ophthalmic dispensing; and~~

~~—(b) Are approved by the Board.~~

~~—4.— Upon approval by the Board, if an apprentice dispensing optician holds a limited license as a dispensing optician in good standing, the hours of training and experience that he or she received as a dispensing optician with a limited license may count towards the hours of training and experience required pursuant to subsections 1 and 2.~~

~~—5.— Areas of instruction for apprenticeship must include the following:~~

~~—(a) Ocular anatomy, physiology and refractive anomalies of the eye;~~

~~—(b) Processes of vision, especially the effect of light, lenses and prisms placed before the eye;~~

~~—(c) Theoretical optics;~~

~~—(d) Ophthalmic vocabulary;~~

~~—(e) Ophthalmic prescription interpretation, eyeglass lens and contact lens identification, fitting and adjustment of eyeglasses, and use of instruments in the analysis of eyeglass lenses and contact lenses in a practical examination;~~

~~—(f) All facets of ophthalmic dispensing procedures; and~~
~~—(g) The provisions of this chapter and chapter 637 of NRS.~~
~~—[Bd. of Dispensing Opt., No. 17.2, eff. 10-6-78; A and renumbered as No. 17.3, 11-30-79]—(NAC A 10-26-95; R042-02, 8-29-2002; R108-04, 12-1-2004)~~

1. Except as otherwise provided in subsection 2, an apprentice dispensing optician who receives his or her initial license:

(a) Before November 1 of any year, may renew his or her license as an apprentice dispensing optician not more than three times.

(b) On or after November 1 of any year, may renew his or her license as an apprentice dispensing optician not more than four times.

2. An apprentice dispensing optician may request one additional renewal of his or her license pursuant to subsection 3 of NRS 637.123 by submitting the request to the Board in a manner prescribed by the Board. Any such request must be submitted not later than 90 days before the end of the apprentice dispensing optician's final authorized renewal pursuant to subsection 1.

3. The Board will grant a request for an additional renewal pursuant to subsection 2 if the Board determines that:

(a) The apprentice dispensing optician was unable to complete the education and training requirements set forth in NRS 637.100 due to unforeseen or emergency circumstances or other circumstances outside the control of the apprentice dispensing optician; and

(b) The apprentice dispensing optician can reasonably complete the remaining education and training requirements set forth in NAC 637.285 within the time provided by the additional renewal of his or her license.

4. An apprentice dispensing optician who fails to complete the education and training requirements set forth in this section during the time described in subsection 1 and, if applicable, subsection 2:

(a) May not renew his or her license as an apprentice dispensing optician again; and

(b) May reapply for initial licensure as an apprentice dispensing optician not earlier than 1 year after the date on which his or her previous license as an apprentice dispensing optician expires.

Rationale: this provision removed and combined into section 637.230, above

~~NAC 637.300—Change of employer. (NRS 637.070, 637.100)—An amended application on a form prescribed by the Board must be submitted by an apprentice dispensing optician within 10 days after his or her employment changes. The Board will not approve more than 10 days of experience gained by an apprentice dispensing optician with a new employer before the amended application is received by the Board.~~

~~—[Bd. of Dispensing Opt., No. 16.5, eff. 11-30-79]—(NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013)~~