

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 4, 20)

A.B. 77

ASSEMBLY BILL NO. 77—COMMITTEE ON COMMERCE AND LABOR
(ON BEHALF OF THE NEVADA STATE BOARD OF OPTOMETRY)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing the practice of optometry. (BDR 54-366)

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

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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; authorizing an assistant to perform activities relating to optometry under certain circumstances; providing for the certification of a mobile optometry clinic; revising the acts which constitute the practice of optometry; revising certain exemptions relating to the practice of optometry; revising provisions governing the Nevada State Board of Optometry and the Executive Director of the Board; authorizing the Executive Director to invest certain money in treasury bills or notes of the United States; revising provisions governing the preparation of a roster of licensees; authorizing the Board to adopt certain policies; requiring the Board to establish, review and revise a schedule of fees; repealing provisions which authorize the Board to impose certain penalties; revising provisions governing the qualification and examination of an applicant for a license to practice optometry; expanding the period required for the renewal of a license to practice optometry; revising provisions governing the restoration of a license to practice optometry; revising the requirements for certification to prescribe pharmaceutical agents; revising provisions governing the issuance of a certificate to treat glaucoma; repealing certain provisions governing disciplinary actions against a licensee; revising provisions relating to the submission of a complaint against a licensee; revising provisions governing the location at which a licensee practices optometry; prohibiting an optometrist from entering into certain leases with a person who is not licensed as an optometrist; revising provisions governing the transmission of certain notices by the Board; authorizing any licensed optometrist to administer topical diagnostic ophthalmic agents; revising provisions governing the imposition of a criminal penalty or administrative fine for certain violations; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Existing law extensively regulates the practice of optometry in this State, including, without limitation, provisions governing the: (1) creation of the Nevada State Board of Optometry; (2) issuance and renewal of a license to practice optometry; (3) issuance and renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders; (4) certification of an optometrist to administer and prescribe therapeutic pharmaceutical agents; (5) issuance of a certificate to treat persons diagnosed with glaucoma; and (6) payment of fees for such licenses and certificates. (Chapter 636 of NRS) This bill makes numerous changes to the provisions of existing law governing the practice of optometry.

Sections 2, 35-39, 60 and 61 of this bill revise provisions governing the administering and prescribing of a pharmaceutical agent by an optometrist. **Section 3** of this bill authorizes an assistant in any setting where optometry is practiced to fit ophthalmic lenses or spectacle lenses and perform certain other activities if the assistant acts under the direct responsibility and personal supervision of a licensed optometrist. **Section 4** of this bill sets forth the requirements for the issuance of a certificate to own or operate a mobile optometry clinic. **Sections 6-9** of this bill revise the definitions of "advertise," "contact lens," "diagnostic pharmaceutical agents" and "prescription." **Section 10** of this bill expands the acts which constitute the practice of optometry to include, without limitation, surgically removing eyelashes, surgically removing any superficial lesion of the eye and surgically closing the lacrimal punctum of an eye. **Section 11** of this bill revises the circumstances under which a person is exempt from the provisions of chapter 636 of NRS regulating the practice of optometry.

Section 12 of this bill requires the Board to take certain actions at its first meeting held during each fiscal year. **Section 13** of this bill repeals provisions which require the Executive Director of the Board to file a performance bond with the Governor. **Section 14** of this bill clarifies that the Board may employ consultants. **Section 15** of this bill amends certain provisions governing the filing of a complaint to initiate disciplinary action. **Section 16** of this bill authorizes the Executive Director to invest certain money in treasury bills or notes of the United States. **Section 17** of this bill requires the Board to periodically prepare and make available a roster of all licensees. **Section 18** of this bill authorizes the Board to adopt policies necessary to carry out the provisions of chapter 636 of NRS governing the practice of optometry. **Section 19** of this bill revises certain provisions governing the accreditation of schools which teach optometry. **Section 20** of this bill requires the Board to establish, review and revise a schedule of fees at least once every 2 years.

Section 21 of this bill repeals provisions which authorize the Board to impose certain penalties against a person who engages in the practice of optometry in this State without a license to practice optometry or a renewal card for the license. **Sections 22-27** of this bill revise the requirements for the issuance of a license to practice optometry, including, without limitation, the examinations, scores and payment of fees required for the license. **Section 28** of this bill requires the payment of a fee for the renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and revises the period during which the license is effective.

Sections 29-33 of this bill provide for the renewal of and the payment of fees for the renewal of a license to practice optometry on certain dates occurring during even-numbered years. **Section 34** of this bill: (1) authorizes the restoration of a suspended license within 90 days after the license is suspended upon the completion of certain acts by the licensee; and (2) provides for the expiration of the license if those acts are not completed within that period.



Section 39 of this bill revises provisions relating to the prescription of a controlled substance by an optometrist.

Section 40 of this bill revises the circumstances under which an optometrist is required to obtain a certificate to treat persons diagnosed with glaucoma and to refer those persons to an ophthalmologist for treatment. **Section 41** of this bill revises the requirements which the Board must include in its regulations relating to the issuance of a certificate to treat persons diagnosed with glaucoma.

Sections 42-45 of this bill revise the acts which constitute sufficient cause for disciplinary action or which constitute unethical or unprofessional conduct.

Sections 46-48 of this bill revise the requirements for making and hearing a complaint against a licensee.

Section 49 of this bill prohibits an optometrist from being employed by or owning all or any portion of an optometry practice under an assumed or fictitious name unless the optometrist is issued a certificate of registration to practice optometry under the assumed or fictitious name at a specific location. An application for the certificate must be accompanied by certain proof satisfactory to the Board. **Section 50** of this bill revises provisions relating to the unauthorized use of a license to practice optometry or a renewal card for the license. **Section 51** of this bill authorizes the Board or the Executive Director of the Board to issue a duplicate license and renewal card for each location at which a licensee practices optometry. **Section 52** of this bill requires a licensee to notify the Executive Director in writing before establishing an additional location to practice optometry. **Section 53** of this bill prohibits an optometrist from entering into certain leases with a person who is not licensed as an optometrist. **Section 54** of this bill revises the requirements for an optometrist to collaborate with an ophthalmologist. **Section 55** of this bill authorizes the transmission by electronic mail or facsimile machine any notice that is required to be given by the Board or the Executive Director of the Board to a licensee. **Section 56** of this bill authorizes any licensed optometrist to administer topical diagnostic ophthalmic agents. **Section 57** of this bill revises provisions governing forms for prescriptions for contact lenses.

Section 58 of this bill repeals certain provisions relating to the imposition of certain greater penalties for a violation of the provisions of chapter 636 of NRS governing the practice of optometry. **Section 59** of this bill provides that any person who is licensed under chapter 636 of NRS and who commits certain violations is liable to the Board for an administrative fine of not more than \$5,000 for each violation.

Section 64 of this bill repeals certain provisions governing the practice of optometry.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Pharmaceutical agent” means any drug used or prescribed by a licensee, including, without limitation, any narcotic drug added to schedule III, schedule IV or schedule V by the State Board of Pharmacy by regulation pursuant to NRS 453.146.*

Sec. 3. 1. *In any setting where optometry is practiced, an assistant may fit ophthalmic lenses or spectacle lenses if the*



1 *assistant acts under the direct responsibility and personal*
2 *supervision of a licensed optometrist.*

3 2. *In addition to the provisions of subsection 1, an assistant*
4 *in any setting where optometry is practiced may perform any of*
5 *the following activities under the direct responsibility and personal*
6 *supervision of a licensed optometrist:*

7 (a) *Prepare a patient for examination.*

8 (b) *Collect preliminary data concerning a patient, including*
9 *taking the medical history of the patient.*

10 (c) *Perform simple, noninvasive and nonsubjective testing of a*
11 *patient in preparation for any subjective refraction, testing,*
12 *evaluation, interpretation, diagnosis or treatment of the patient by*
13 *the licensed optometrist.*

14 (d) *For an ophthalmic purpose, administer any cycloplegic or*
15 *mydriatic agent or topical anesthetic that is not a controlled*
16 *substance.*

17 3. *As used in this section, "assistant" means a person*
18 *employed to assist an optometrist as authorized in this section.*

19 **Sec. 4. 1.** *Notwithstanding any provision of this chapter to*
20 *the contrary, a licensee, nonprofit or charitable organization,*
21 *governmental agency or school in this State who obtains a*
22 *certificate pursuant to this section may own or operate a mobile*
23 *optometry clinic pursuant to this section. An application for the*
24 *issuance or renewal of a certificate to own or operate the clinic*
25 *must be submitted on a form approved by the Board and include*
26 *any fees established by the Board pursuant to subsection 3. As*
27 *soon as practicable after receiving an application and the*
28 *appropriate fees, the Board shall approve or deny the application*
29 *based upon the criteria established by the Board pursuant to*
30 *subsection 3. A certificate issued to own or operate a mobile*
31 *optometry clinic must be renewed on or before March 1 of each*
32 *even-numbered year.*

33 2. *A certified mobile optometry clinic may include any*
34 *equipment required to operate the clinic, including, without*
35 *limitation, a motor vehicle or a motor vehicle and trailer which*
36 *may be moved from one location to another. Any optometric*
37 *services available at the clinic must be provided under the*
38 *direction, control and personal supervision of a licensee.*

39 3. *The Board shall adopt:*

40 (a) *Regulations setting forth:*

41 (1) *The requirements for the issuance and renewal of a*
42 *certificate to operate a mobile optometry clinic; and*

43 (2) *The amount of the fees for the issuance and renewal of*
44 *the certificate; and*



(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to ~~[636.024,]~~ *636.023*, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 636.016 is hereby amended to read as follows:

636.016 "Advertise" means the commercial use of any medium, including, but not limited to, the radio or television, or a newspaper, magazine, sign or other printed ~~[matter,]~~ *or electronic medium*, by an optometrist to bring the services or materials offered by the optometrist to the attention of members of the general public.

Sec. 7. NRS 636.018 is hereby amended to read as follows:

636.018 "Contact lens" means an ophthalmic lens prescribed for application on the anterior surface of the eye. *The term includes any plano lens or cosmetic lens.*

Sec. 8. NRS 636.019 is hereby amended to read as follows:

636.019 "Diagnostic pharmaceutical agents" means ~~[topical ophthalmic anesthetics and topical cycloplegics, miotics and mydriatics,]~~ *any agents used to examine and diagnose conditions of the eye.*

Sec. 9. NRS 636.022 is hereby amended to read as follows:

636.022 "Prescription" means:

1. An order given individually for the person for whom prescribed, directly from a licensed optometrist who is certified to prescribe and administer ~~[therapeutic]~~ pharmaceutical agents pursuant to NRS 636.288, or his or her agent, to a pharmacist or indirectly by means of an order signed by the licensed optometrist or an electronic transmission from the licensed optometrist to a pharmacist; or

2. A written direction from a licensed optometrist to:

(a) Prepare an ophthalmic lens for a patient; or

(b) Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

Sec. 10. NRS 636.025 is hereby amended to read as follows:

636.025 1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:

(a) Advertisement or representation as an optometrist.

(b) Adapting, ~~[or]~~ *replacing, duplicating*, prescribing or dispensing, without prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of



any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent, *under extraordinary or exigent circumstances*, an optical mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens, *if the optical mechanic receives a valid prescription from the person for whom the mechanical work is performed*, or prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing ~~[-]~~, *if the optician receives a valid prescription from the person for whom the ophthalmic dispensing is performed.*

(c) The examination of the human eye and its appendages, the measurement of the powers or range of human vision ~~[-]~~ *by any means, including, without limitation, the use of an autorefractor or other automated testing device, unless performed under the direct responsibility and personal supervision of a licensed optometrist as authorized in section 3 of this act*, the determination of the accommodative and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics, *vision rehabilitation, vision therapy* or visual training.

(e) The prescribing of contact lenses.

(f) The measurement, fitting or adaptation of contact lenses to the human eye except under the direction, *responsibility* and *personal* supervision of ~~[a physician, surgeon or]~~ *an* optometrist licensed in the State of Nevada ~~[-]~~ *as authorized in section 3 of this act.*

(g) The topical use of ~~[diagnostic]~~ pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(h) Prescribing, directing the use of or using a ~~[therapeutic]~~ pharmaceutical agent to treat an abnormality of the eye or its appendages.

(i) ~~[Removing]~~ *Surgically removing* a foreign object from the surface or epithelium of the eye.

(j) *Surgically removing eyelashes.*

(k) *Surgically removing any superficial lesion of the eye or adnexa.*

(l) *Surgically closing the lacrimal punctum of the eye.*

(m) The ordering of laboratory tests *or imaging* to assist in the diagnosis of an abnormality of the eye or its appendages.



2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:

- (a) The incision or suturing of the eye or its appendages; or
- (b) The use of lasers for surgical purposes.

Sec. 11. NRS 636.028 is hereby amended to read as follows:

636.028 1. Except as provided in subsection 2, a person is exempt from the provisions of this chapter regulating the practice of optometry if the person is engaged in a clinical program of a school or college of optometry accredited by the Board and if the person is

~~—(a) A~~ *a* student who is enrolled in a clinical program of an undergraduate or graduate course of study in optometry at such a school or college ~~or~~

~~—(b) Licensed to practice optometry in another state and is employed as a clinician or instructor at such a school or college.]~~
and who has not received a degree of doctor of optometry.

2. A person who is employed as a clinician or instructor and who engages in the practice of optometry in this State is required to be licensed by the Board.

Sec. 12. NRS 636.080 is hereby amended to read as follows:

636.080 1. ~~[Within a reasonable time after the appointment of a new member.]~~ *At the first meeting of the Board held each fiscal year,* the Board shall meet and organize by electing from its membership a President who shall hold office for 1 year and until the election and qualification of his or her successor.

2. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive compensation as set by the Board. The Executive Director must not be a member of the Board. If a vacancy occurs in the position of Executive Director, the Board may appoint one of its members to perform the duties of the Executive Director until the position is filled. A member of the Board who is appointed to perform the duties of the Executive Director is not entitled to receive any ~~[additional]~~ compensation for performing those duties.

Sec. 13. NRS 636.085 is hereby amended to read as follows:

636.085 ~~[1.]~~ The Executive Director shall ~~[,—before undertaking the duties of Executive Director, make and deliver to the Governor a good and sufficient bond payable to the State of Nevada for the benefit of the Board, in the amount designated by the Board, conditioned upon the faithful performance of his or her duties as Executive Director. The Executive Director shall file a copy of the bond with the Board.]~~

~~—2. The Executive Director shall]~~ receive, maintain and disburse money on behalf of the Board and shall perform all duties imposed



upon him or her pursuant to the provisions of this chapter and such other duties as the Board may prescribe.

Sec. 14. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators, *consultants* and other professional ~~consultants~~ and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board subject to the provisions of NRS 622A.200.

Sec. 15. NRS 636.107 is hereby amended to read as follows:

636.107 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. ~~The~~ A complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 16. NRS 636.110 is hereby amended to read as follows:

636.110 1. Except as otherwise provided in subsection 3, all money coming into possession of the Board must be deposited by the Executive Director in a special fund to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter. The Executive Director shall deposit the money in banks, credit unions, savings and loan associations or savings banks in this State ~~or~~ *or invest the money in treasury bills or notes of the United States.*

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines and penalties therefor and forward the money therefrom to the Executive Director for deposit in banks, credit unions, savings and loan associations or savings banks in this State ~~or~~ *or investment in treasury bills or notes of the United States.*

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of administrative fines and penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is



needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 17. NRS 636.120 is hereby amended to read as follows:

636.120 ~~{Once each year, the}~~ *The* Board shall *periodically* prepare and ~~{distribute}~~ *make available* to all licensees a roster containing their names and *mailing* addresses.

Sec. 18. NRS 636.125 is hereby amended to read as follows:

636.125 The Board may adopt *policies*, rules and regulations necessary to carry out the provisions of this chapter.

Sec. 19. NRS 636.135 is hereby amended to read as follows:

636.135 The Board shall accredit schools , *or approve the accreditation of schools by any nationally recognized accrediting organization or agency*, in and out of this State teaching the science and art of optometry which it finds ~~{are giving}~~ *provide* a sufficient and thorough course of study for the preparation of optometrists.

Sec. 20. NRS 636.143 is hereby amended to read as follows:

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

~~{Not less than Not more than}~~

Examination.....	\$100	\$500
Reexamination.....	100	500
Issuance of each license or duplicate license, including a license by endorsement	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license	10	50

~~—2. If an applicant submits an application for a license by endorsement pursuant to NRS 636.207, the Board shall collect not more than one half of the fee established pursuant to subsection 1 for the initial issuance of the license.]~~

1. Examinations.

2. Applications for the issuance of a license.

3. Renewal of a license.

4. Granting certification or issuing certificates.

5. Licensing of extended clinical facilities and other practice locations.



6. Any other service provided by the Board pursuant to this chapter.

Sec. 21. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[(1)]~~ A person shall not engage in the practice of optometry in this State unless:

~~[(a)]~~ 1. The person has obtained a license pursuant to the provisions of this chapter; and

~~[(b)]~~ 2. Except for the year in which such license was issued, the person holds a current renewal card for the license.

~~[(2). In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:~~

~~—(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.~~

~~—(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~—(c) Assess against the person an administrative fine as provided in NRS 636.420.~~

~~—(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).]~~

Sec. 22. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[(Except as otherwise provided in NRS 636.206 and 636.207, any)]~~ Any person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;

2. ~~[(Make application for an examination;~~

~~—3.)~~ Take and pass ~~[(the)]~~ each examination ~~[(;~~

~~—4.)~~ identified, administered or approved by the Board;

3. Pay the prescribed fees; and

~~[(5)]~~ 4. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 23. NRS 636.155 is hereby amended to read as follows:

636.155 ~~[(Except as otherwise provided in NRS 636.206 and 636.207, an)]~~ An applicant must file with the Executive Director satisfactory proof that the applicant:



1. Is at least 21 years of age;
2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;
3. ~~Is of good moral character;~~
- ~~4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and~~
- ~~5.]~~ Has graduated from a school of optometry accredited *or approved* by the ~~established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.]~~ *Board pursuant to NRS 636.135;*
- 4. Has passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor;*
- 5. Has passed each examination identified, administered or approved by the Nevada State Board of Optometry pursuant to NRS 636.150; and*
- 6. Has not been disciplined for harming a patient as a licensed optometrist in another state.*

Sec. 24. NRS 636.170 is hereby amended to read as follows:

636.170 ~~[1. The Board shall:~~

- ~~(a) Conduct a regular annual examination, and may conduct a special examination when it deems that circumstances warrant such examination;~~
- ~~(b) Fix and announce the time and place of any examination at least 30 days prior to the day when it is to be commenced.~~

~~2.]~~ The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 25. NRS 636.180 is hereby amended to read as follows:

636.180 An examination must:

1. Be practical in character and design as determined by the Board;
2. Test the fitness of the examinee to practice optometry; *and*
3. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations. ~~.; and~~
- ~~4. Be conducted in the English language.]~~

Sec. 26. NRS 636.190 is hereby amended to read as follows:

636.190 Except as otherwise provided in NRS 622.090, a grade of ~~[75]~~ 70 or higher for each area tested ~~[on the examination]~~ is required to pass ~~[an]~~ *the* examination.



Sec. 27. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150, *636.155*, 636.206 or 636.207 and submitted all information *and fees* required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and

2. ~~Be signed by each member~~ *Bear the signatures* of the *President of the Board* ~~and the Executive Director~~.

Sec. 28. NRS 636.227 is hereby amended to read as follows:

636.227 1. The Board may grant a license to an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and shall adopt reasonable regulations and establish procedures for such purpose. If a license is granted, it is effective ~~for~~ only ~~for~~ *until February 28 of the next even-numbered* year unless renewed by the Board ~~for~~ *upon payment of the fee for the renewal of the license established pursuant to NRS 636.143.*

2. An accredited school or college of optometry which desires to establish an extended clinical facility for the treatment of visual disorders in this State must apply to the Board for a license, and the application must contain the following information:

(a) The name and address of the proposed facility;

(b) The date when the school or college desires to commence operation of the facility;

(c) A brief description of the facility and of the equipment which will be available for use there;

(d) The kinds of optometric services to be rendered; and

(e) The name and address of each instructor or clinician to be employed at the facility, his or her academic qualifications and any licenses which entitle the instructor or clinician to practice optometry in this or any other state.

3. Every school or college of optometry which operates a licensed facility in this State shall notify the Board if the school or college changes its instructors or clinicians, the location of the facility or the content of a clinical program.

4. Nothing in this section authorizes a licensed optometrist to engage in any acts which are beyond the scope of his or her license issued in accordance with the provisions of this chapter.

5. For the purposes of this section, "extended clinical facility for the treatment of visual disorders" means a clinical facility which renders optometric services and is operated by an accredited school or college of optometry, but which is located beyond the boundaries of the principal campus of the school or college.



Sec. 29. NRS 636.250 is hereby amended to read as follows:

636.250 A license issued under this chapter or any former law must be renewed pursuant to the provisions of NRS 636.250 to 636.285, inclusive, before March 1 of each *even-numbered* year.

Sec. 30. NRS 636.255 is hereby amended to read as follows:

636.255 The Executive Director shall mail a notice of renewal to each licensee before February 1 of each *even-numbered* year. The failure of the Executive Director to notify a licensee does not excuse the licensee from the requirements of NRS 636.250.

Sec. 31. NRS 636.260 is hereby amended to read as follows:

636.260 1. Before March 1 of each *even-numbered* year, each licensee shall pay a renewal fee to the Executive Director in the amount ~~{specified in}~~ *established pursuant to* NRS 636.143. For the purposes of this subsection, the date of the postmark on any payment received by mail shall be deemed to be the date of receipt by the Executive Director.

2. The renewal fee must be accompanied by satisfactory evidence that the licensee has, within the immediately preceding ~~{12 month}~~ *24-month* period, completed the required number of hours in a course or courses of continuing education that have been approved by the Board. This evidence must be indicated on the form for proof of completion of continuing education that is furnished by the Board. The Board shall not require a licensee to complete more than ~~{24}~~ *48* hours of continuing education during each ~~{year}~~ *period of renewal*. The Board may waive the requirement that a licensee complete all or part of the required number of hours of continuing education upon good cause shown by the licensee.

3. A licensee who is certified to administer and prescribe ~~{therapeutic}~~ pharmaceutical agents pursuant to NRS 636.288 must, at the time of paying the renewal fee, present evidence satisfactory to the Executive Director that, during the ~~{12}~~ *24* months immediately preceding the payment of the renewal fee, the licensee completed an educational or postgraduate program approved by the Board. The Board shall establish the number of hours for completion of the program which must be not less than ~~{30}~~ *60* hours nor more than ~~{50}~~ *100* hours.

Sec. 32. NRS 636.265 is hereby amended to read as follows:

636.265 Upon payment of the renewal fee, submission of evidence of completion of the required number of hours of continuing education and submission of all information required to complete the renewal, the Executive Director shall execute and issue a renewal card for the license to the licensee, certifying that the license has been renewed for a ~~{12-month}~~ *24-month* period beginning March 1 of each *even-numbered* year. The renewal card must indicate the address of the place of the licensee's practice for



1 which the card is issued and be displayed prominently at that
2 location. The renewal card must be signed by the Executive Director

3 ~~. [and sealed with the seal of the Board.]~~

4 **Sec. 33.** NRS 636.270 is hereby amended to read as follows:

5 636.270 If a licensee fails to comply with the provisions of
6 NRS 636.260 on or before the prescribed date, the license must be
7 suspended effective March 1 ~~[.]~~ *of the year of the prescribed date*
8 and must remain suspended until it is restored in the manner
9 specified in NRS 636.275 ~~[.]~~ *or expires pursuant to that section,*
10 *whichever occurs first.*

11 **Sec. 34.** NRS 636.275 is hereby amended to read as follows:

12 636.275 1. A license which has been suspended for failure of
13 the licensee to pay the ~~[annual]~~ renewal fee , ~~[or]~~ to submit all
14 information required to complete the renewal *or to submit evidence*
15 *of completion of the required number of hours of continuing*
16 *education* may be restored at any time ~~[during the calendar year]~~
17 *within 90 days after the suspension of the license* upon the
18 licensee:

19 (a) Paying the ~~[annual]~~ renewal fee;

20 (b) Paying ~~[the Executive Director]~~ a nonrenewal penalty in the
21 amount prescribed by NRS 636.285; ~~[and]~~

22 (c) Submitting all required information ~~[.]~~

23 ~~—2. A license which has been suspended for failure of the~~
24 ~~licensee to submit evidence of completion of] ; and~~

25 *(d) Completing* the required number of hours of continuing
26 education . ~~[may be restored upon the licensee completing the~~
27 ~~continuing education, if such completion occurs during the calendar~~
28 ~~year in which the suspension has occurred.~~

29 ~~—3.]~~

30 2. Any license suspended pursuant to the provisions of NRS
31 636.270 ~~[must be revoked at the end of the calendar year during~~
32 ~~which it was suspended]~~ *expires 91 days after the suspension of the*
33 *license* unless the license is restored pursuant to subsection 1 .
34 ~~[or 2.]~~

35 **Sec. 35.** NRS 636.286 is hereby amended to read as follows:

36 636.286 An optometrist shall not administer or prescribe a
37 ~~[therapeutic]~~ pharmaceutical agent unless the optometrist has
38 obtained a certificate pursuant to NRS 636.288.

39 **Sec. 36.** NRS 636.287 is hereby amended to read as follows:

40 636.287 The Board shall adopt regulations which prescribe the
41 requirements for certification to administer and prescribe
42 ~~[therapeutic]~~ pharmaceutical agents pursuant to NRS 636.288. The
43 requirements must include:

44 1. A license to practice optometry in this State;



2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry ~~on or after January 1, 1993,~~ or an equivalent examination approved by the Board; and

3. The successful completion of not fewer than 40 hours of clinical training in administering and prescribing ~~[therapeutic]~~ pharmaceutical agents in a training program which is conducted by an ophthalmologist and approved by the Board.

Sec. 37. NRS 636.288 is hereby amended to read as follows:

636.288 The Board shall provide to:

1. Each optometrist who has complied with the requirements adopted by the Board pursuant to NRS 636.287, a certificate to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents.

2. The State Board of Pharmacy the name of each optometrist it certifies pursuant to this section.

Sec. 38. NRS 636.2881 is hereby amended to read as follows:

636.2881 The Board shall, by regulation, require each optometrist who is certified to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure. Any licensee may use such training to satisfy 2 hours of any continuing education requirement established by the Board.

Sec. 39. NRS 636.2882 is hereby amended to read as follows:

636.2882 An optometrist who is certified to administer and prescribe a ~~[therapeutic]~~ pharmaceutical agent pursuant to NRS 636.288 shall not prescribe ~~{an analgesic of hydrocodone with compounds, codeine with compounds or propoxyphene with compounds}~~ *a controlled substance* unless the optometrist:

1. Has completed an optometric examination of the patient for whom the ~~[therapeutic pharmaceutical agent]~~ *controlled substance* is prescribed;

2. Prescribes the ~~[therapeutic pharmaceutical agent]~~ *controlled substance* in an amount that *does not exceed 90 morphine milligram equivalents per day and* will not last more than 72 hours; and

3. Sets forth in the prescription for the ~~[therapeutic pharmaceutical agent]~~ *controlled substance* that the prescription may not be refilled ~~{}~~ *without a subsequent examination of the patient by the optometrist.*

Sec. 40. NRS 636.2891 is hereby amended to read as follows:

636.2891 1. An optometrist *whose initial license to practice optometry is issued on or after October 1, 2020, may treat a person*



1 *with glaucoma without obtaining a certificate to treat persons*
2 *diagnosed with glaucoma pursuant to NRS 636.2895 in addition to*
3 *his or her license to practice optometry.*

4 2. *An optometrist whose initial license to practice optometry*
5 *is issued before October 1, 2020,* shall not treat a person diagnosed
6 with glaucoma unless the optometrist has been issued a certificate
7 by the Board pursuant to NRS 636.2895.

8 ~~[2-]~~ 3. An optometrist ~~[who]~~, *regardless of whether he or she*
9 has been issued a certificate to treat persons diagnosed with
10 glaucoma pursuant to NRS 636.2895, shall refer a patient
11 diagnosed with glaucoma to an ophthalmologist for treatment if any
12 one of the following is applicable:

13 (a) The patient is under 16 years of age.

14 (b) The patient has been diagnosed with malignant glaucoma or
15 neovascular glaucoma.

16 (c) The patient has been diagnosed with acute closed angle
17 glaucoma. The provisions of this paragraph do not prohibit the
18 optometrist from administering appropriate emergency treatment to
19 the patient.

20 ~~[(d) The patient's glaucoma is caused by diabetes, and, after~~
21 ~~joint consultation with a physician who is treating the diabetes and~~
22 ~~an ophthalmologist, the physician or ophthalmologist determines~~
23 ~~that the patient should be treated by an ophthalmologist. If an~~
24 ~~optometrist determines that a patient's glaucoma is caused by~~
25 ~~diabetes, the optometrist shall consult with a physician and~~
26 ~~ophthalmologist in the manner provided in this paragraph.]~~

27 **Sec. 41.** NRS 636.2893 is hereby amended to read as follows:

28 636.2893 The Board shall adopt regulations that prescribe the
29 requirements for the issuance of a certificate to treat persons
30 diagnosed with glaucoma pursuant to NRS 636.2895. The
31 requirements must include, without limitation:

32 1. A license to practice optometry in this State;

33 2. The successful completion of the "Treatment and
34 Management of Ocular Disease Examination" administered by the
35 National Board of Examiners in Optometry ~~[on or after January 1,~~
36 ~~1993.]~~ or an equivalent examination approved by the Board; and

37 3. ~~[Proof that each optometrist who applies for a certificate has~~
38 ~~treated at least 15 persons who were:~~

39 ~~—(a) Diagnosed with glaucoma by an ophthalmologist licensed in~~
40 ~~this State; and~~

41 ~~—(b) Treated by the optometrist, in consultation with that~~
42 ~~ophthalmologist, for at least 12 consecutive months.]~~ *A certificate to*
43 *administer and prescribe pharmaceutical agents issued pursuant*
44 *to NRS 636.288.*



Sec. 42. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

~~1. [Affliction of the licensee with any communicable disease likely to be communicated to other persons:~~

~~—2.]~~ Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

~~[3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.~~

~~—4.]~~ 2. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

~~[5.]~~ 3. Habitual drunkenness or addiction to any controlled substance.

~~[6.]~~ 4. Gross incompetency.

~~[7.]~~ 5. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

~~[8.]~~ 6. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

~~[9.]~~ 7. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

~~[10.]~~ 8. Perpetration of unethical or unprofessional conduct in the practice of optometry.

~~[11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~—(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~—(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or~~

~~—(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.~~



1 ~~—12.]~~ 9. Any violation of the provisions of this chapter or any
2 regulations adopted pursuant thereto.

3 ~~{13.]~~ 10. Operation of a medical facility, as defined in NRS
4 449.0151, at any time during which:

5 (a) The license of the facility is suspended or revoked; or

6 (b) An act or omission occurs which results in the suspension or
7 revocation of the license pursuant to NRS 449.160.

8 ➤ This subsection applies to an owner or other principal responsible
9 for the operation of the facility.

10 ~~{14. Failure to obtain any training required by the Board
11 pursuant to NRS 636.2881.~~

12 ~~—15.]~~ 11. Failure to comply with the provisions of NRS
13 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916,
14 inclusive, and any regulations adopted by the State Board of
15 Pharmacy pursuant thereto.

16 ~~{16.]~~ 12. Fraudulent, illegal, unauthorized or otherwise
17 inappropriate prescribing, administering or dispensing of a
18 controlled substance listed in schedule II, III or IV.

19 **Sec. 43.** NRS 636.300 is hereby amended to read as follows:

20 636.300 The following acts, among others, constitute unethical
21 or unprofessional conduct:

22 1. Association as an optometrist with any person, firm or
23 corporation violating this chapter.

24 2. Accepting employment, directly or indirectly, from a person
25 not licensed to practice optometry in this State to assist the person in
26 such practice or enabling the person to engage therein, except as
27 authorized in NRS 636.347.

28 3. Signing the prescription blanks of another ~~{optometrist}~~
29 ~~person~~ or allowing another ~~{optometrist}~~ ~~person~~ to use his or her
30 prescription blanks.

31 ~~{4. Except as otherwise provided in NRS 636.372 and 636.373,
32 practicing in or on premises where any materials other than those
33 necessary to render optometric examinations or services are
34 dispensed to the public, or where a business is being conducted not
35 exclusively devoted to optometry or other healing arts and materials
36 or merchandise are displayed having no relation to the practice of
37 optometry or other healing arts.]~~

38 **Sec. 44.** NRS 636.301 is hereby amended to read as follows:

39 636.301 The following acts, among others, constitute unethical
40 or unprofessional conduct:

41 1. Division of fees with another optometrist or a health
42 maintenance organization, except where the division is made in
43 proportion to the services performed for the patient and the
44 responsibility assumed by each.



2. Division of fees or any understanding or arrangement *which is designed or tends to impair, influence or affect the independent judgment or practice of the optometrist* with any person who is not an optometrist or a health maintenance organization, unless in accordance with NRS 636.374.

Sec. 45. NRS 636.302 is hereby amended to read as follows:

636.302 The following acts, among others, constitute unethical or unprofessional conduct:

1. ~~{Making a house to house canvass, either in person or by another person, for advertising, selling or soliciting the sale of eyeglasses, frames, lenses, mountings, or optometric examinations or services.~~

~~—2.}~~ Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

~~{3.}~~ 2. Advertising in any manner that will tend to deceive, defraud or mislead the public.

~~{4.}~~ 3. Advertising, directly or indirectly, free optometric examinations. ~~{for services.}~~

Sec. 46. NRS 636.305 is hereby amended to read as follows:

636.305 A complaint may be made against a licensee by:

1. An ~~{agent}~~ *employee* or ~~{inspector employed by}~~ *contractor* of the Board; *or*

2. Any ~~{other}~~ licensee ~~{,}~~ or

~~{3.—Any aggrieved}~~ *other* person,

↪ charging one or more of the causes for disciplinary action with such particularity as to enable the defendant licensee to prepare a defense.

Sec. 47. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint ~~{must}~~ :

1. *Must* be made in writing ~~{The original complaint and two copies must be filed with the Executive Director. A complaint may} and be signed and verified by the person making it.~~

2. *May not* be filed anonymously. ~~{If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.}~~

Sec. 48. NRS 636.315 is hereby amended to read as follows:

636.315 1. Except as otherwise provided in NRS 636.338, as soon as practicable after the filing of a complaint, the Board shall notify the licensee against whom the complaint is filed and fix a date for its *initial* review of the complaint. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be



1 held within 30 days after receiving the report. ~~[The licensee must be~~
2 ~~allowed a reasonable amount of time to respond to the allegations of~~
3 ~~the complaint.]~~ The Executive Director shall notify the licensee of
4 the time, date and place fixed for the Board's *initial* review of the
5 complaint.

6 2. After reviewing the complaint, the Board shall dismiss the
7 complaint or file a formal charge against the licensee. If a formal
8 charge is filed, the Executive Director shall prepare the charge in
9 accordance with the Board's regulations and send a copy to the
10 licensee. The licensee must be allowed a reasonable amount of time
11 to file a response to the charge.

12 3. Within a reasonable time after the Executive Director sends
13 a copy of the charge to the licensee, the Board shall fix the time,
14 date and place for a hearing and the Executive Director shall notify
15 the licensee thereof. *The licensee must be allowed a reasonable*
16 *amount of time to respond to the complaint.*

17 4. The Board shall retain all complaints received by the Board
18 pursuant to this section for at least 10 years, including, without
19 limitation, any complaints not acted upon.

20 **Sec. 49.** NRS 636.350 is hereby amended to read as follows:

21 636.350 1. An optometrist shall not practice optometry , *be*
22 *employed by or own all or any portion of an optometry practice*
23 under an assumed or fictitious name unless the optometrist has been
24 issued a certificate of registration by the Board to practice
25 optometry under ~~[an]~~ *the* assumed or fictitious name ~~[.]~~ *and at a*
26 *specific location.*

27 2. An optometrist who applies for a certificate of registration to
28 practice optometry under an assumed or fictitious name must submit
29 to the Board an application on a form provided by the Board. *The*
30 *application must be accompanied by proof satisfactory to the*
31 *Board that the assumed or fictitious name meets the requirements*
32 *of chapter 602 of NRS and has been registered or otherwise*
33 *approved by any appropriate governmental entity, including,*
34 *without limitation, any incorporated city or unincorporated town*
35 *in which the optometrist practices, if the registration or other*
36 *approval is required by the governmental entity.*

37 3. Each optometrist who is issued a certificate of registration
38 pursuant to this section shall:

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

40 (b) Display or cause to be displayed near the entrance of his or
41 her business the full name of the optometrist and the words or letters
42 that designate him or her as an optometrist.

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



5. As used in this section, "assumed or fictitious name" means a name that is not the real name of each person who owns an interest in a business.

Sec. 50. NRS 636.355 is hereby amended to read as follows:

636.355 A licensee shall not ~~be entitled to~~ lend, sell, or otherwise ~~dispose or~~ permit the unauthorized use of his or her license or current renewal card.

Sec. 51. NRS 636.365 is hereby amended to read as follows:

636.365 The Board or the Executive Director may issue a duplicate license and renewal card *for each location at which a licensee practices optometry*, if ~~the~~ licensee maintains more than one place of practice.

Sec. 52. NRS 636.370 is hereby amended to read as follows:

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

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

Sec. 53. NRS 636.372 is hereby amended to read as follows:

636.372 1. ~~Any~~ *Except as otherwise provided in subsection 4, an* optometrist may enter into an agreement with a person who is not licensed pursuant to the provisions of this chapter for the leasing of a building or a part thereof for use in his or her practice. The lease may contain a provision which requires that the rent must be based on a percentage of the revenue earned by the optometrist in his or her practice if the total amount of rent paid for the building or part thereof does not exceed its fair rental value, including any furniture, fixtures or equipment therein.

2. An optometrist who enters into such a lease with a physician may locate his or her office in the same place of business as the physician without a physical separation between the office and the place of business.

3. The Board may adopt regulations prescribing the requirements for such leases. The regulations must ensure the quality of optometric care and the practice of optometry without restricting competition or the commercial practice of optometry.

4. An optometrist shall not enter into a lease pursuant to this section unless, during the term of the lease, the optometrist maintains exclusive access to, and control and ownership of, the medical records of each patient of the optometrist.



Sec. 54. NRS 636.374 is hereby amended to read as follows:

636.374 An optometrist may, based upon the individual needs of a particular patient, collaborate with an ophthalmologist for the provision of care to the patient, for a fixed fee, regarding one or more surgical procedures if:

1. The collaborating parties prepare and maintain in their respective medical records regarding the patient, written documentation of each procedure and other service performed by each collaborating party which includes the date each procedure and other service is performed;

2. The fixed fee is divided between the collaborating parties in proportion to the services personally performed by each of them;

3. The collaborating parties agree that the collaborating optometrist will refer the patient back to the collaborating ophthalmologist or, if the collaborating ophthalmologist is not available, another ophthalmologist designated by the collaborating ophthalmologist to provide care to the patient if the medical needs of the patient necessitate the provision of care by an ophthalmologist; and

4. The collaborating parties provide to the patient and maintain in their respective medical records regarding the patient, a written document, signed by each of the collaborating parties and the patient, containing:

(a) The name, business address and telephone number of each of the collaborating parties;

(b) The amount of the fixed fee for the procedures and services;

(c) The proportion of that fee to be received by each collaborating party;

(d) A statement, signed by the patient and a witness who is not one of the collaborating parties, that the patient voluntarily, knowingly and willingly desires the performance of the postoperative care by the collaborating optometrist;

(e) A statement that the patient is entitled to return to the collaborating ophthalmologist for postoperative care at any time after the surgery; and

(f) A statement which:

(1) Indicates that the practice of optometry *is regulated by the Nevada State Board of Optometry* and *the practice of ophthalmology [are respectively] is regulated by the [Nevada State Board of Optometry and the] Board of Medical Examiners [.] or the State Board of Osteopathic Medicine, as applicable;* and

(2) Contains the address and telephone number of each of those Boards.



Sec. 55. NRS 636.375 is hereby amended to read as follows:

636.375 Any notice required to be given by the Board or the Executive Director to a licensee may be transmitted by ~~[ordinary]~~ :

1. Ordinary first-class, certified or registered mail, postage prepaid, addressed to the licensee at the location listed by the ~~[Executive Director for that]~~ licensee ~~[.]~~ *on his or her most recent change of address form or application for the renewal of his or her license;*

2. Electronic mail to the address for electronic mail most recently provided by the licensee to the Board; or

3. Facsimile machine to the number most recently provided by the licensee to the Board.

Sec. 56. NRS 636.382 is hereby amended to read as follows:

636.382 ~~[H.—No]~~ *Any* licensed optometrist may administer topical *diagnostic* ophthalmic ~~[pharmaceutical]~~ agents . ~~[unless the optometrist has received certification from the Board authorizing him or her to do so.~~

~~—2. The Board shall adopt regulations prescribing the diagnostic uses to which the agents enumerated in subsection 3 may be put, the manner in which such agents may be used, and the qualifications and requirements for such certification which must include:~~

~~—(a) A valid license to practice optometry in this State;~~

~~—(b) Satisfactory completion of a curriculum approved by the Board, which must include general and ocular pharmacology, at an institution approved by the Board and accredited by a regional or professional accrediting organization and recognized or approved by the Council on Post Secondary Accreditation, the Northwest Accreditation Association or the United States Department of Education; and~~

~~—(c) Successful completion of an appropriate examination approved and administered by the Board.~~

~~—3. The following topical ophthalmic pharmaceutical agents may be used for diagnostic purposes by an optometrist who has been authorized by the Board to do so:~~

~~—(a) Mydriatics;~~

~~—(b) Cycloplegics;~~

~~—(c) Topical anesthetics; and~~

~~—(d) Miotics.]~~

Sec. 57. NRS 636.387 is hereby amended to read as follows:

636.387 1. The form for any prescription which is ~~[issued for an ophthalmic lens by an optometrist in this State must contain lines or boxes in substantially the following form:~~

Approved for contact lenses
Not approved for contact lenses



~~2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by the optometrist.~~

~~3. If the prescription is~~ for a contact lens ~~[, the form]~~ must set forth the expiration date of the prescription, the number of ~~[refills]~~ *contact lenses* approved for the patient and such other information as is necessary for the prescription to be filled properly.

~~[4.] 2.~~ The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.

~~[5.] 3.~~ As used in this section, "initial fitting" means measuring the health, integrity and refractive error of the eye to determine whether contact lenses ~~[may be approved pursuant to subsection 1.]~~ *are appropriate for the patient.*

Sec. 58. NRS 636.410 is hereby amended to read as follows:

636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such. ~~[, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.]~~

Sec. 59. NRS 636.420 is hereby amended to read as follows:

636.420 Any person licensed under this chapter who violates any provision of this chapter or any regulation of the Board ~~[relating to the practice of optometry]~~ is liable to the Board for an administrative fine of not ~~[less than \$100 or]~~ more than \$5,000 ~~[.]~~ *for each violation.*

Sec. 60. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and



(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer [therapeutic] pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers [therapeutic] pharmaceutical agents within the scope of his or her certification.

Sec. 61. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer [therapeutic] pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers [therapeutic] pharmaceutical agents within the scope of his or her certification.

Sec. 62. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:



1 1. A physician, dentist, veterinarian or podiatric physician who
2 holds a valid license to practice his or her profession in this State.

3 2. A pharmacy, hospital or other institution licensed or
4 registered to distribute, dispense, conduct research with respect to or
5 to administer a dangerous drug in the course of professional practice
6 in this State.

7 3. When relating to the prescription of poisons, dangerous
8 drugs and devices:

9 (a) An advanced practice registered nurse who holds a certificate
10 from the State Board of Pharmacy permitting him or her so to
11 prescribe; or

12 (b) A physician assistant who holds a license from the Board of
13 Medical Examiners and a certificate from the State Board of
14 Pharmacy permitting him or her so to prescribe.

15 4. An optometrist who is certified to prescribe and administer
16 ~~dangerous drugs~~ *pharmaceutical agents* pursuant to NRS 636.288
17 when the optometrist prescribes or administers dangerous drugs
18 which are within the scope of his or her certification.

19 **Sec. 63.** Notwithstanding the amendatory provisions of:

20 1. Section 20 of this act, the schedule of fees established by the
21 Nevada State Board of Optometry pursuant to NRS 636.143 remains
22 in effect until the Board establishes a revised schedule of fees
23 pursuant to NRS 636.143, as amended by section 20 of this act.

24 2. Section 27 of this act, a license to practice optometry
25 executed pursuant to NRS 636.215 remains in effect for the period
26 for which the license was issued, if the person to whom the license
27 was issued remains eligible to hold the license during that period.

28 3. Section 36 of this act, any regulations adopted by the
29 Nevada State Board of Optometry prescribing the requirements for
30 certification to administer and prescribe a therapeutic
31 pharmaceutical agent pursuant to NRS 636.287 remain in effect
32 until the Board amends the regulations in accordance with NRS
33 636.287, as amended by section 36 of this act.

34 4. Section 37 of this act, a certificate to administer or prescribe
35 a therapeutic pharmaceutical agent issued in accordance with the
36 provisions of NRS 636.288 remains in effect for the period for
37 which the certificate was issued, if the person to whom the
38 certificate was issued otherwise remains eligible to hold the
39 certificate during that period.

40 5. Section 40 of this act, any regulations adopted by the
41 Nevada State Board of Optometry which prescribe the requirements
42 for the issuance of a certificate to treat persons diagnosed with
43 glaucoma pursuant to NRS 636.2893 remain in effect until the
44 Board adopts regulations in accordance with NRS 636.2893, as
45 amended by section 41 of this act.



1 **Sec. 64.** NRS 636.024, 636.160, 636.175, 636.195, 636.200,
2 636.220, 636.296, 636.336, 636.341 and 636.385 are hereby
3 repealed.

4 **Sec. 65.** This act becomes effective:

5 1. Upon passage and approval for the purposes of adopting
6 regulations and any other preparatory administrative tasks that are
7 necessary to carry out the provisions of this act; and

8 2. On July 1, 2019, for all other purposes.

LEADLINES OF REPEALED SECTIONS

636.024 "Therapeutic pharmaceutical agent" defined.

636.160 Application for examination.

636.175 Equipment required for examination.

636.195 Request for reexamination.

636.200 Scope of reexamination.

636.220 Licenses: Issuance.

636.296 Inspection of premises by Board.

636.336 Board to cooperate with other agencies investigating
persons.

636.341 Practicing or offering to practice without license:
Reporting requirements of Board.

636.385 Use of and payment for optometric services by
administrative agencies and public schools.

