

ASSEMBLY BILL NO. 129—ASSEMBLYWOMAN TOLLES

PREFILED FEBRUARY 9, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the practice of optometry and the issuance of a prescription for an ophthalmic lens. (BDR 54-744)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; revising provisions concerning the prescribing and fitting of ophthalmic lenses or contact lenses; providing that the use of certain automated testing devices constitutes the practice of optometry; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that certain acts constitute the practice of optometry and, thus, must be performed by a licensed optometrist or physician. (NRS 636.025, 636.027) **Section 3** of this bill expands the acts which constitute the practice of optometry to include using an automated testing device to generate the refractive error of a patient's eyes.

Existing law also sets forth requirements for the issuance of a prescription for ophthalmic lens and contact lenses, as well as the required procedures for the fitting of such lens or lenses. (NRS 630.375, 636.387) **Sections 1, 2 and 4** of this bill require a licensed physician or osteopathic physician who practices ophthalmology and a licensed optometrist to examine the ocular health and visual status of the patient before issuing a prescription for an ophthalmic lens or contact lenses. **Sections 1, 2 and 4** further prohibit this examination from consisting solely of the use of an automated testing device to generate the refractive error of the patient's eyes.

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

**Section 1.** NRS 630.375 is hereby amended to read as follows:  
630.375 1. *Before issuing a prescription for an ophthalmic lens, an ophthalmologist in this State must make an assessment of*



\* A B 1 2 9 \*

*the ocular health and visual status of the patient that does not solely consist of the use of an automated testing device to generate the refractive error of the eyes of the patient.*

*2. The form for any prescription which is issued for an ophthalmic lens by an ophthalmologist in this State must contain lines or boxes in substantially the following form:*

Approved for contact lenses ..... \_\_\_\_\_

Not approved for contact lenses ..... \_\_\_\_\_

~~12-1~~ *3. The prescribing ophthalmologist shall mark or check one of the lines or boxes required by subsection ~~11-1~~ 2 each time such a prescription is issued by the ophthalmologist.*

~~13-1~~ *4. If the prescription is for a contact lens, the form must set forth the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly.*

~~14-1~~ *5. The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.*

~~15-1~~ *6. 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 ~~11-1~~ 2.*

**Sec. 2.** Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Before issuing a prescription for an ophthalmic lens, an ophthalmologist in this State must make an assessment of the ocular health and visual status of the patient that does not solely consist of the use of an automated testing device to generate the refractive error of the eyes of the patient.*

*2. The form for any prescription which is issued for an ophthalmic lens by an ophthalmologist in this State must contain lines or boxes in substantially the following form:*

*Approved for contact lenses ..... \_\_\_\_\_*

*Not approved for contact lenses ..... \_\_\_\_\_*

*3. The prescribing ophthalmologist shall mark or check one of the lines or boxes required by subsection 2 each time such a prescription is issued by the ophthalmologist.*

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



1       **5. The initial fitting of a contact lens must be performed by**  
2 **an ophthalmologist or optometrist licensed in this State.**

3       **6. As used in this section, "initial fitting" means measuring**  
4 **the health, integrity and refractive error of the eye to determine**  
5 **whether contact lenses may be approved pursuant to subsection 2.**

6       **Sec. 3.** NRS 636.025 is hereby amended to read as follows:

7       636.025 1. The acts set forth in this section, or any of them,  
8 whether done severally, collectively or in combination with other  
9 acts that are not set forth in this section constitute practice in  
10 optometry within the purview of this chapter:

11       (a) Advertisment or representation as an optometrist.

12       (b) Adapting, or prescribing or dispensing, without prescription  
13 by a practitioner of optometry or medicine licensed in this State, any  
14 ophthalmic lens, frame or mounting, or any part thereof, for  
15 correction, relief or remedy of any abnormal condition or  
16 insufficiency of the eye or any appendage or visual process. The  
17 provisions of this paragraph do not prevent an optical mechanic  
18 from doing the mere mechanical work of replacement or duplication  
19 of the ophthalmic lens or prevent a licensed dispensing optician  
20 from engaging in the practice of ophthalmic dispensing.

21       (c) The examination of the human eye and its appendages, the  
22 measurement of the powers or range of human vision, the  
23 determination of the accommodative and refractive states of the eye  
24 or the scope of its function in general, **including the use of an**  
25 **automated testing device that generates objective refractive data or**  
26 **information to establish the refractive error of the eyes of a**  
27 **patient**, or the diagnosis or determination of any visual, muscular,  
28 neurological, interpretative or anatomic anomalies or deficiencies of  
29 the eye or its appendages or visual processes.

30       (d) Prescribing, directing the use of or using any optical device  
31 in connection with ocular exercises, orthoptics or visual training.

32       (e) The prescribing of contact lenses.

33       (f) The measurement, fitting or adaptation of contact lenses to  
34 the human eye except under the direction and supervision of a  
35 physician, surgeon or optometrist licensed in the State of Nevada.

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

40       (h) Prescribing, directing the use of or using a therapeutic  
41 pharmaceutical agent to treat an abnormality of the eye or its  
42 appendages.

43       (i) Removing a foreign object from the surface or epithelium of  
44 the eye.



(j) The ordering of laboratory tests 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. 4.** NRS 636.387 is hereby amended to read as follows:

636.387 1. *Before issuing a prescription for an ophthalmic lens, an optometrist in this State must make an assessment of the ocular health and visual status of the patient that does not solely consist of the use of an automated testing device to generate the refractive error of the eyes of the patient.*

2. 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 ..... \_\_\_\_\_

~~12-1~~ 3. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection ~~11-1~~ 2 each time such a prescription is issued by the optometrist.

~~13-1~~ 4. If the prescription is for a contact lens, the form must set forth the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly.

~~14-1~~ 5. The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.

~~15-1~~ 6. 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 ~~11-1~~ 2.

