WARBY PARKER

October 13, 2026

Nevada Board of Dispensing Opticians
4790 Caughlin Pkwy. #241
Reno, NV 89519-0907

Re: Stakeholder comments under Executive Order 2026-003; LCB File No. R117-26

Dear Board Members:

Warby Parker Inc. submits these comments under Executive Order 2026-003 and requests that the Board of Dispensing Opticians ("Board") revise R117-26 to expressly preserve the exemptions in NRS 637.026.

As the Board is aware, NRS 637.026, enacted through SB106 of the 82nd Nevada Legislative Session, created a separate regulatory burden for manufacturers selling prescription eyewear to individuals located outside the state. This framework requires:

- that the manufacturing of lenses, frames, and other specially fabricated optical devices be supervised by a Nevada-licensed dispensing optician;
- a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames, and other specially fabricated optical devices being manufactured meet the standards adopted by the Board; and
- confirmation that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

If these conditions are met, manufacturers selling prescription eyewear to individuals outside the state are exempt from CHAPTER 637, including the provision requiring physical inspection of prescription eyewear.

As drafted, R117-26 directly conflicts with NRS 637.026.

R117-26 broadly defines "online optical vendor" as "a business that dispenses ophthalmic products through remote or electronic means." This definition would capture manufacturers selling to individuals outside the state.

R117-26 then goes on to state:

"3. An optical establishment, online optical vendor, or other employer is subject to discipline pursuant to NRS 637.181 if the optical establishment, online optical vendor, or other employer:

> (b) Directs a dispensing optician or unlicensed employee to dispense an ophthalmic product that has not received a final inspection and verification by a dispensing optician to ensure that the ophthalmic product meets the standards adopted by reference in NAC 637.239 in violation of section 11 of this regulation.

Lastly, Sec 11 states:

“1. Before authorizing the delivery of or otherwise dispensing an ophthalmic product to a patient, whether in-person or through remote dispensing, a dispensing optician shall:

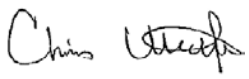
(b) Perform a final inspection and verification of the ophthalmic product to ensure compliance with the standards adopted by reference in NAC 637.239.”

To resolve the conflict with the existing statute, we propose adding the following language:

“The provisions of this regulation do not apply to a person or online optical vendor who is exempt under NRS 637.026.”

Please include these recommendations and report them as directed by Executive Order 2026-003. Additionally, please distribute this proposed amendment to Board Members at the October 22, 2026, Legislative Workshop.

Sincerely,



Chris Utecht
General Counsel and Secretary
Warby Parker Inc.

National Association of
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Professionalism Consumerism Education
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October 20, 2026

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RE: Comments of the National Association of Retail Optical Companies in Response to Executive Order 2026-003: Recommended Revisions to NAC Chapter 637

Dear Members of the Board:

The National Association of Retail Optical Companies ("NAROC") appreciates the opportunity to submit these comments for the Board's October 22, 2026 stakeholder meeting under Executive Order 2026-003. NAROC is a national trade association representing retail optical companies that together operate more than 10,000 locations nationwide, including multiple locations in Nevada. Our members employ and rely on Nevada-licensed dispensing opticians and apprentices every day, and they have a direct interest in clear, current, and workable regulations.

We recommend the changes below to NAC Chapter 637, ranked in the order we believe will most improve the regulations. Each is tied to the text of the enabling statute, and each can be adopted without reducing protection for patients. The attached redline shows the proposed language for every section discussed. Because the Executive Order contemplates a report that identifies stakeholder recommendations and whether each was accepted, NAROC respectfully asks that the Board include these recommendations in its report and, for any it does not accept, state its reasons.

1. NAC 637.2325 (Optical Establishment Managers): Repeal Subsection 6, Remove the One-Establishment Limit, and Define "Manages an Optical Establishment"

NAROC does not dispute that a person who manages an optical establishment must hold a license. NRS 637.090(1) says so, and NRS 637.0227 defines an optical establishment as a single physical store, office or department where ophthalmic dispensing takes place. Three parts of the current rule go beyond the statute.

First, subsection 6 provides that a person with supervisory authority over a manager who "intentionally influences or attempts to influence decisions of that person relating to ophthalmic dispensing shall be deemed to have violated" NRS 637.090. NAROC shares the concern behind the rule: a licensed optician's judgment related to ophthalmic dispensing should not be overridden by a business supervisor who is not licensed, and NAROC's proposal in item (d) below says so expressly. The rule, however, contains broader language including "attempts to influence", not only direction to act contrary to law or professional standards, and it treats that conduct as a violation of NRS 637.090, a statute that addresses unlicensed practice and management. A supervisor who dispenses nothing and manages no establishment is then exposed to the penalties in NRS 637.181 and 637.200. The Board's own proposed Section 7(3)(a) in R117-26 already addresses an employer that "[d]irects, requires or otherwise causes a dispensing optician to violate or omit a duty". We recommend repealing subsection 6 in favor of that targeted standard or, in the alternative, limiting it to directing or requiring a licensed optician to perform ophthalmic dispensing in violation of the chapter or the standards of practice, and removing the "deemed" language.

Second, the last sentence of subsection 2 ("A dispensing optician shall not manage more than one optical establishment") appears nowhere in the statute, and the Board's other rules already require the manager to be on duty during dispensing hours or to assign a licensed substitute. We recommend repealing it.

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Third, the rule describes the manager's role as "overseeing all aspects of ophthalmic dispensing" but never defines what it means to be a "manager" an optical establishment. Without a definition, ordinary business functions become licensure questions. We recommend that the rule (a) limit the manager's responsibility to supervising the performance of ophthalmic dispensing, as defined in NRS 637.022, including evaluating employees' dispensing performance, with final authority over dispensing decisions; (b) define "manages an optical establishment" to mean exercising direct supervisory responsibility for the performance of ophthalmic dispensing at the establishment, and provide that performing or supervising functions that are not ophthalmic dispensing is not managing an optical establishment; (c) protect a manager for responsibility for employer decisions outside the manager's control, such as budget, hours, and staffing, if the manager has given the employer written notice of a compliance concern related to ophthalmic dispensing; and (d) provide that a person who does not hold a license as a dispensing optician shall not direct or supersede the manager's decisions relating to ophthalmic dispensing. We also recommend deleting the sign requirement in subsection 5, which duplicates NRS 637.090(2).

2. NAC 637.2319 (Supervision of Apprentices): Conform to NRS 637.125

NRS 637.125 requires that an apprentice engage in ophthalmic dispensing only while a licensed dispensing optician, optometrist, or ophthalmologist is physically present in the optical establishment to provide direct supervision, and it limits a supervisor to two apprentices "at any one time". The rule adds requirements the statute does not contain. It limits a licensed optician to being the supervisor of record for no more than two apprentices, which is stricter than the statute's "at any one time" limit; it requires a formally designated substitute supervisor whenever the supervisor of record is absent; and it requires the apprentice, supervisor, and substitute to be employed by the same employer at the same work location. We recommend conforming the supervisor limit to the statute and deleting the substitute-supervisor and same-employer, same-location requirements. These changes give employers needed scheduling flexibility while preserving the statutory requirement of direct, on-site supervision.

3. NAC 637.233 (Equipment): Replace the Equipment List with a Performance Standard

The rule lists specific devices that every optician must have, including a lens clock, lensometer, and pupilometer and, for contact lens fitting, a slit lamp, keratometer or autorefractor, loupe, gauges, fluorescein, and trial lenses. Technology has made many of these tools replaceable by digital and software-based equipment that performs the same function. We recommend replacing the list with a standard that requires access to equipment, whether physical, digital, or electronic, sufficient to accurately measure, inspect, and verify ophthalmic products in accordance with the prescription and the standards adopted by reference in NAC 637.239 and, for opticians who fit contact lenses, to evaluate fit and verify parameters, with equipment maintained and cleaned in accordance with manufacturer instructions. A performance standard protects patients as well as the list does and does not require a rule change each time technology advances.

4. NAC 637.234 (Price Advertising): Replace the Checklist with a "Not False or Misleading" Standard

The rule requires every price advertisement to state whether the price includes glass or plastic lenses, "hard" or "soft" contact lenses, dispensing fees, frames and lenses, and all prescription powers, and it treats each advertisement that omits any item as a separate offense. The checklist is out of date and does not fit digital advertising, and the per-advertisement penalty multiples exposure for a single campaign. NRS 637.150 already makes advertising that tends to deceive, defraud, or mislead the public grounds for discipline, and NRS 637.200 makes a false or misleading advertising statement in connection with ophthalmic dispensing a misdemeanor. We recommend a rule that tracks that standard, defines a misleading price advertisement by its likely effect on a reasonable consumer, recognizes clear and conspicuous disclosure of material limitations as compliance, and treats publication of the same advertisement in multiple media or at multiple locations as one violation.

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5. NAC 637.190 (Continuing Education): Limit the Contact Lens Hours to Opticians Who Fit Contact Lenses

The rule requires every licensee to complete at least 7 of the 14 required hours in Board-approved instruction on fitting contact lenses, whether or not the optician fits contact lenses. We recommend requiring those hours only for dispensing opticians who fit contact lenses, so that other licensees can use their continuing education time on subjects relevant to their practice.

6. NAC 637.650 and 637.700 (Petitions): Conform to NRS 233B.120 and 233B.100

NRS 233B.100 requires an agency, within 30 days of receiving a petition for the adoption, amendment, or repeal of a regulation, either to deny the petition in writing, stating its reasons, or to initiate regulation-making proceedings. NAC 637.700 permits the Board to refuse to act on a petition lacking required information and provides that if the Board denies a petition "no further action will be taken". Likewise, NRS 233B.120 requires prompt disposition of petitions for declaratory orders and advisory opinions and that a copy of the order or opinion be mailed to the petitioner, while NAC 637.650 ties disposition to the Board's next regular meeting and requires petitions to "comply" with advisory opinions, which by their nature are not binding. We recommend revising both rules to track the statutes: a written response with reasons within 30 days for rulemaking petitions, a fixed outside date for disposing of declaratory-order and advisory-opinion petitions, a written disposition mailed to the petitioner, and deletion of the compliance requirement for advisory opinions.

7. Procedural Rules (NAC 637.350, 637.410, 637.420, 637.450, 637.470, 637.590, 637.600, and 637.620): Conform to NRS Chapters 622A and 233B

Several procedural rules duplicate or are looser than the procedures now set by statute. NAC 637.350 (staff as party), 637.420 (pleadings), 637.450 (motions), and 637.590 (stipulations) repeat matters addressed in NRS 622A.300, 622A.320, 622A.360, and 233B.121(5) and should be repealed. NAC 637.420(2), which allows pleadings to be amended "at any time" is looser than NRS 622A.320. NAC 637.600 expands the facts of which the Board may take official notice while omitting the notice and opportunity to contest required by NRS 233B.123(5), and should be repealed. We recommend narrowing NAC 637.410 to defer to NRS 622A.310 on attorney conduct, deleting NAC 637.620(3) because NRS 233B.125 governs service of decisions, and updating NAC 637.470 to permit service by electronic mail where the recipient consents. NAC 637.620(2), which requires a decision within 90 days, protects respondents and should remain.

These comments address the existing regulations. NAROC will address Proposed Regulation R117-26 separately, in its comments for the Board's workshop on the same date. NAROC also reserves the right to petition for the amendment or repeal of any of the regulations discussed above under NRS 233B.100 and NAC 637.700.

NAROC welcomes the opportunity to discuss any of these recommendations with the Board or its staff. Thank you for considering our comments.

Respectfully submitted,

Jennifer Sommer

Jennifer Sommer, Executive Director
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Attachment

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NAC 637.190 Continuing education for renewal of license or limited license as dispensing optician: Required number of hours; retention and submission upon request of certificates of completion; exemption for first renewal of license; disciplinary action for failure to comply. (NRS 637.070, 637.071, 637.121)

1. Except as otherwise provided in this subsection, to qualify for the renewal of a license as a dispensing optician pursuant to NAC 637.218, a dispensing optician must complete 14 hours of continuing education not later than December 31 of each year. A licensee may receive up to 7 hours of credit for courses completed by December 31 of the previous calendar year. For dispensing opticians who fit contact lenses, ~~A~~at least 7 of the required hours of continuing education must be approved by the Board for instruction related to the fitting of contact lenses.

2. Except as otherwise provided in this subsection, to qualify for the renewal of a limited license as a dispensing optician pursuant to NAC 637.218, a dispensing optician must complete 12 hours of continuing education not later than December 31 of each year. A licensee may receive up to 6 hours of credit for courses completed by December 31 of the previous calendar year.

3. Each dispensing optician and dispensing optician with a limited license must retain a copy of the certificate of completion for each course of continuing education used for the renewal of a license pursuant to NAC 637.218 for 3 years after the submission of the application to renew the license. Each dispensing optician and dispensing optician with a limited license must submit copies of such certificates upon the request of the Board.

4. A dispensing optician who reactivates an inactive license pursuant to NAC 637.215 may resubmit any certificates of completion submitted to the Board at the time the license of the dispensing optician was reactivated with the next renewal of the license of the dispensing optician provided that the courses of continuing education meet the requirements of subsection 1.

5. A dispensing optician is not required to complete the hours of continuing education required by subsection 1 for the first renewal of the license.

6. A dispensing optician or a dispensing optician with a limited license who fails to complete the required number of hours of continuing education or who makes any false statement or representation regarding the completion of hours of continuing education is subject to discipline pursuant to NRS 637.150.

[Bd. of Dispensing Opt., No. 20.5, eff. 10-6-78; No. 20.6, eff. 11-30-79]—(NAC A by R042-02, 8-29-2002; R108-04, 12-1-2004; R106-14, 11-2-2016; R137-17, 8-30-2018; R067-23, 12-15-2023)

NAC 637.2319 Supervision of apprentice dispensing optician; notice to Board of certain change in supervision. (NRS 637.070, 637.071, 637.105, 637.125)

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~~supervise ~~for not~~no more than two apprentice dispensing opticians.

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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 pursuant to NRS 637.125. ~~In all instances of the absence of the supervisor of record, a substitute supervisor who is licensed in this State as a dispensing optician, ophthalmologist or optometrist must be obtained to directly supervise the apprentice dispensing optician.~~

3. The apprentice dispensing optician and the supervisor of record must make a sworn statement to the Board in the form and manner prescribed by the Board to conduct the apprenticeship in accordance with the provisions of this chapter and chapter 637 of NRS.

4. If a change of supervision lasts 7 days or longer, the apprentice dispensing optician and the new supervisor of record shall notify the Board of such change in supervision by submitting the sworn statement required by subsection 3 within 10 business days after the change.

~~5. An apprentice dispensing optician, his or her supervisor of record and his or her substitute supervisor must be employed by the same employer at the same work location.~~

5~~6~~. 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.

6~~7~~. The Board may require a supervisor of record to conduct a periodic review of an apprentice dispensing optician.

(Added to NAC by Bd. of Dispensing Opt. by R067-23, eff. 12-15-2023)

NAC 637.2325 Optical establishment: Restrictions and prohibitions concerning management; prohibition on certain actions by apprentice dispensing optician; sign required to be posted if no dispensing optician on duty. (NRS 637.070, 637.090, 637.100, 637.105, 637.121,637.125)

1. A manager of an optical establishment:

(a) Must hold a license as a dispensing optician issued pursuant to this chapter or chapter 637 of NRS; and

(b) Is responsible for ~~overseeing all aspects of~~supervising the performance of ophthalmic dispensing, as defined in NRS 637.022, at the optical establishment and has final authority over decisions relating to ophthalmic dispensing at the optical establishment~~, including, without limitation:~~. The responsibilities of a manager under this paragraph consist of:

(1) Ensuring that all ophthalmic dispensing at the optical establishment is performed by an appropriately licensed employee and that ~~the optical establishment and its employees adhere to the provisions of this chapter and chapter 637 of NRS~~such ophthalmic dispensing is performed in accordance with this chapter and chapter 637 of NRS;

(2) Maintaining a current list of all licensees who are employed at the optical establishment;

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(3) Displaying the current licenses of all licensed employees in a public and conspicuous area of the optical establishment; ~~and~~

(4) Ensuring the optical establishment keeps a copy of each sworn statement submitted to the Board pursuant to NAC 637.2319 that indicates the supervisor of record for each apprentice dispensing optician employed at the optical establishment; and

(5) Evaluating the performance of ophthalmic dispensing by employees at the optical establishment.~~.~~

2. For purposes of NRS 637.090 and this section, a person "manages an optical establishment" if the person has direct supervisory responsibility for the performance of ophthalmic dispensing at the optical establishment. A person does not manage an optical establishment, and is not required to hold a license, solely because the person performs or supervises business functions that are not ophthalmic dispensing. Such functions include, without limitation: hiring, scheduling and compensating employees; and evaluating employees, except that the evaluation of an employee's performance of ophthalmic dispensing is a responsibility of the manager under paragraph (b) of subsection 1; opening or closing the optical establishment; completing sales transactions; purchasing inventory and managing vendor relations; marketing, pricing, and maintaining facilities; communicating with third parties on matters other than ophthalmic dispensing.

3. A manager is not responsible under this section for a matter outside the manager's responsibility, including an employer's decision on budget, hours, staffing levels, or business policy, if the manager has notified the employer in writing that the decision may impair compliance with this chapter.

4. A person who performs business functions shall not direct or supersede a decision of the manager relating to ophthalmic dispensing.

5. A dispensing optician shall notify the Board, in the form and manner prescribed by the Board, within 10 days after becoming the manager of an optical establishment, that he or she is the manager of the optical establishment. ~~A dispensing optician shall not manage more than one optical establishment.~~

6~~3~~. Except as otherwise provided in this subsection, the manager of an optical establishment must be on duty during the hours the optical establishment is engaged in ophthalmic dispensing unless the manager assigns another dispensing optician to act as the substitute manager of the optical establishment.

7~~4~~. An apprentice dispensing optician shall not:

(a) Act as a manager of an optical establishment; 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.

~~5. If no dispensing optician is on duty in the optical establishment, a sign prescribed by the Board must be posted for public view at the main entrance or cashier station of the optical establishment in accordance with subsection 2 of NRS 637.090.~~

~~6. A person who has supervisory authority over a person who manages an optical establishment and intentionally influences or attempts to influence the decisions of that person relating to ophthalmic dispensing shall be deemed to have violated the provisions of NRS 637.090.~~

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(Added to NAC by Bd. of Dispensing Opt. by R067-23, eff. 12-15-2023)

NAC 637.233 Equipment for dispensing optician: ~~Required types; good working order; cleaning and sanitation~~performance standard; maintenance; cleaning. (NRS 637.070)

1. A dispensing optician shall have access at the optical establishment to equipment, whether physical, digital, or electronic, that is sufficient to:

(a) ~~Shall have the following optical equipment at the place of dispensing:~~Accurately measure, inspect and verify ophthalmic products in accordance with the prescription and the standards adopted by reference in NAC 637.239; and

~~(1) A lens clock;~~

~~(2) A lensometer; and~~

~~(3) A pupilometer.~~

(b) ~~Shall have the following optical equipment at the place of dispensing if he or she fits contact lenses:~~If he or she fits contact lenses, evaluate the fit of the lenses and verify their parameters.

~~(1) A slit lamp;~~

~~(2) A digital or manual keratometer or autorefractor;~~

~~(3) A contact lens loupe;~~

~~(4) A thickness gauge;~~

~~(5) A diameter gauge;~~

~~(6) Fluorescein dye; and~~

~~(7) Trial contact lenses.~~

2. ~~All e~~Equipment must be in good working order and maintained in accordance with the manufacturer's instructions.

3. ~~If any equipment is used more than once, the dispensing optician shall clean the equipment between each use with sanitizing wipes or spray. The dispensing optician shall comply with any guidelines for the cleanliness and sanitization of equipment and the optical establishment that are approved by the Board~~Equipment that contacts a patient or a contact lens must be cleaned and disinfected between uses in accordance with the manufacturer's instructions.

(Added to NAC by Bd. of Dispensing Opt. by R067-23, eff. 12-15-2023)

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NAC 637.234 Advertising which quotes prices of ophthalmic goods and services. (NRS 637.070, 637.150)

1. ~~Advertising which quotes prices of ophthalmic goods and services must set forth whether:~~

~~(a) The advertised price includes single vision or multifocal glass or plastic lenses;~~

~~(b) The advertised price for contact lenses refers to "hard" or "soft" lenses;~~

~~(c) The advertised price of ophthalmic goods includes all dispensing fees;~~

~~(d) The advertised price for eyeglasses includes both frames and lenses; and~~

~~(e) The advertised lens price includes all lens prescription powers.~~ An advertisement that quotes a price for ophthalmic goods or services must not be false or misleading. An advertisement is misleading if, taken as a whole, it is likely to lead a reasonable consumer to believe that the quoted price includes goods or services that it does not include, or that the price applies more broadly than it does.

2. ~~Each advertisement in violation of any one of the provisions of subsection 1 is a separate offense punishable pursuant to NRS 637.150~~An advertisement that quotes a price for ophthalmic goods or services is not misleading under subsection 1 if material limitations on the price are clearly and conspicuously disclosed in the advertisement or in a manner reasonably accessible to the consumer, such as by a link, a statement in the optical establishment, or a reference to terms of the offer.

3. The board will consider the advertisement as a whole, the medium in which it appears, and the information available to the consumer when evaluating whether an advertisement violates this section or NRS 637.150. Publication of the same advertisement in multiple media or at multiple locations constitutes a single violation.

(Added to NAC by Bd. of Dispensing Opt. by R067-23, eff. 12-15-2023

~~**NAC 637.350 Staff of Board may be party to proceeding. (NRS 637.070) The Board's staff may appear at any hearing and has the right to participate as a party to the proceeding.**~~

~~[Bd. of Dispensing Opt., No. 3.8, eff. 10-6-78]~~

NAC 637.410 Conduct required of persons appearing in proceeding; removal of person from proceeding. (NRS 637.070)

1. ~~A~~Except as provided in NRS 622A.310 for attorneys, a person appearing in a proceeding before the Board shall conform to the standards of ethical and courteous conduct required in the courts of this State.

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2. The Board may remove a person from a proceeding for a violation of this section.

[Bd. of Dispensing Opt., No. 4.6, eff. 10-6-78]—(NAC A by R073-12, 6-3-2013; R067-23, 12-15-2023)

~~**NAC 637.420 Pleadings: Captions, amendments and construction.** (NRS 637.070)~~

~~1. Pleadings before the Board must be called applications, petitions, charging documents, motions, briefs or answers.~~

~~2. The Board may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected at any time.~~

~~3. All pleadings will be liberally construed with a view to administering justice between the parties, and the Board or presiding officer will, at every stage of proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.~~

~~[Bd. of Dispensing Opt., Nos. 5.1-5.3, eff. 10-6-78] (NAC A by R073-12, 6-3-2013)~~

~~**NAC 637.450 Motions.** (NRS 637.070)~~

~~1. The provisions of NRS 622A.360 and 622A.390 govern a motion which may be filed pursuant to this chapter, including, without limitation, the time for the filing of the motion.~~

~~2. A decision on a motion will be rendered without oral argument unless oral argument is requested by the Board. If oral argument is requested, the Board will set a date and time for a hearing on the motion. The Board may authorize the President of the Board or his or her designee to rule on the motion without a hearing.~~

~~[Bd. of Dispensing Opt., No. 6, eff. 10-6-78] (NAC A by R073-12, 6-3-2013; R137-17, 8-30-2018)~~

NAC 637.470 Service of process. (NRS 637.070)

1. Except as otherwise provided in subsection 2, all notices, documents, advisory opinions and declaratory orders required to be served by the Board will be served by mail or, if the addressee has consented in writing, by electronic mail, to the last known ~~home~~ address or electronic mail address provided to the Board by the addressee, and service thereof will be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail or transmitted electronically. ~~Parties will be notified either personally or by certified mail of any adverse decision or order.~~

2. Notice of a disciplinary hearing will be served either personally or by certified mail upon the dispensing optician or apprentice dispensing optician who is the subject of the disciplinary hearing.

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3. All documents required to be served by a party must be served by mail or, if the addressee has consented in writing, by electronic mail, to the last known address provided to the Board by the addressee, and service thereof shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail or transmitted electronically.

4. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders must be served upon the attorney and such service is effective for all purposes upon the party represented by the attorney.

[Bd. of Dispensing Opt., No. 7.2, eff. 10-6-78]—(NAC A by R073-12, 6-3-2013; R067-23, 12-15-2023)

~~**NAC 637.590 Stipulations.** (NRS 637.070)~~

~~With the approval of the Board, the parties may stipulate as to any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation will be binding upon all parties to the stipulation, and it may be treated as evidence in the proceeding. The Board may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.~~

~~[Bd. of Dispensing Opt., No. 8.8, eff. 10-6-78] (NAC A by R073-12, 6-3-2013)~~

~~**NAC 637.600 Official notice of Board.** (NRS 637.070) In addition to the facts mentioned in subsection 5 of NRS 233B.123, the Board may take official notice of regulations, official reports, decisions, orders, standards or records of the Board, and any regulatory agency of the State of Nevada or any court of record.~~

~~[Bd. of Dispensing Opt., No. 8.12, eff. 10-16-80]~~

NAC 637.620 Order or decision by Board. (NRS 637.070)

1. A proceeding stands submitted for decision by the Board after the taking of evidence, the filing of briefs or motions, or the presentation of such oral argument permitted by the Board.

2. Orders or decisions will be rendered within 90 days of the completion of the proceeding or of the Board meeting at which the matter is last considered, unless a shorter time is required by statute.

~~3. Decisions and orders of the Board will be served by sending a copy thereof by certified mail to the parties of record or their representatives or by personal service.~~

[Bd. of Dispensing Opt., Nos. 9.1-9.3, eff. 10-6-78]—(NAC A by R073-12, 6-3-2013; R067-23, 12-15-2023)

NAC 637.650 Petition for declaratory order or advisory opinion. (NRS 637.070)

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1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of a statutory provision or a regulation or decision of the Board.

2. All petitions for declaratory orders and advisory opinions must be in writing on a form prescribed by the Board.

3. ~~Except as otherwise provided in subsection 4, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board~~The Board will dispose of a petition for a declaratory order or an advisory opinion promptly and, in any event not later than 90 days after receiving the petition. Disposition may occur at a meeting of the Board or, if the Board has so delegated, by the Executive Director.

~~4. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.~~

4~~5~~. ~~At the meeting described in subsection 3 or 4, the Board will grant or deny the petition. If the Board denies the petition, no further action will be taken~~The Board will dispose of the petition by issuing a written declaratory order or advisory opinion or by denying the petition in writing, stating its reasons. A copy must be mailed to the petitioner.

6. ~~A petitioner shall comply with the provisions of a declaratory order or advisory opinion rendered by the Board~~A declaratory order has the same status as a decision of the Board. An advisory opinion is not binding on the Board or the petitioner.

[Bd. of Dispensing Opt., No. 11.1, eff. 10-6-78; A 10-16-80]—(NAC A by R073-12, 6-3-2013; R067-23, 12-15-2023)

NAC 637.700 Petition for adoption, filing, amendment or repeal of regulation. (NRS 637.070)

1. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and include:

(a) The name, telephone number and address of the petitioner;

(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed or amended or the existing language of the regulation to be repealed, as applicable;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

2. Within 30 days after receiving a petition, t~~T~~he Board shall, as required by NRS 233B.100, either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings. A petition ~~may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition~~that does not include the information required by subsection 1 may be denied on that ground, and the written denial must identify the missing information.

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3. ~~If the Board denies the petition, no further action will be taken~~A written denial must be sent to the petitioner by mail or electronic mail within the period prescribed by subsection 2.

[Bd. of Dispensing Opt., No. 12.2, eff. 10-6-78; A 10-16-80]—(NAC A by R042-02, 8-29-2002; R073-12, 6-3-2013; R067-23, 12-15-2023)

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