

**PROPOSED REGULATION OF THE
NEVADA STATE BOARD OF OPTOMETRY**

LCB FILE NO. R101-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 05/08/2024**

Proposed elimination of existing NACs

NAC 636.110 “Do not meet the specifications of the American National Standards Institute” defined.

As used in NAC 636.120 to 636.200, inclusive, the phrase “Do not meet the specifications of the American National Standards Institute” means that the ophthalmic products:

1. Were not purchased from a manufacturer or wholesaler who warrants that they meet the most current version of those specifications, if applicable; or
2. Do not meet the most current version of those specifications, if applicable.

NAC 636.130 Posting of signs

1. A licensee shall post a sign at the entrance to any office that is registered with the Board as a practice location of the licensee. The sign must include, without limitation, the licensee’s last name, as it appears on his or her license, the professional designation of the licensee and the hours during which the office is open.
2. A sign posted at a location which is remote from the office must specify, without limitation, the last name of the licensee as it appears on his or her license and his or her professional designation.

NAC 636.150 Ophthalmic products

1.
(b) A notice, “Does not meet the specifications of the American National Standards Institute” if the ophthalmic product does not meet the applicable specifications of the American National Standards Institute.

NAC 636.160 Spectacle lenses

2. A statement that the advertised lenses are clear, tinted or photochromic.
3. A statement that the advertised lenses are glass or plastic, single vision, bifocal or trifocal, that they are occupational or aphakic, and if the lenses are:
 - (a) Bifocal, the advertisement must state the segment size except for executive or dualens types.
 - (b) Trifocal, the advertisement must state the segment size except for executive or dualens and variable focus types.
 - (c) Occupational or aphakic, the advertisement must state that they are lenticular aspheric, lenticular nonaspheric or full-field aspheric.

Proposed edits* to existing NACs

* Final language is subject to the Nevada Legislative Counsel Bureau’s discretion and approval; strikethrough = proposed deletion; bolded font = proposed addition

NAC 636.142 Broadcast advertisements

1. Any broadcast advertisement placed by an optometrist licensed to practice in this State must include a ~~oral~~ statement of: . . .

NAC 636.160 Spectacle lenses

3. A statement that the advertised lenses are glass or plastic, single vision, bifocal or trifocal **progressive**, that they are occupational or aphakic. ~~and if the lenses are:~~

NAC 636.170 Contact lenses

2. Contact lenses received from a manufacturer in a package containing multiple lenses of the same prescription that are intended to be used as scheduled replacements or as disposable lenses may not be advertised for sale or sold as permanent lenses **in a different replacement schedule as indicated by the Federal Drug Administration or the contact lens manufacturer.**

NAC 636.190 Optometric examinations

An advertisement of an optometric examination, eye examination, vision examination, eye test or vision test must include a specific disclaimer if any of the following services are not included:

- 1. The documentation of the primary reason for which the examination is conducted;**
- 2. A review of the medical history and ocular history of both the patient and his or her immediate family;**
- 3. A review of any medications used by the patient;**
- 4. A review of any allergies of the patient;**
- 5. A review of documentation identifying the patient's primary care physician;**
- 6. General medical observations, including, without limitation, neurological and psychological orientation;**
- 7. Eye pressure;**
- 8. Gross, confrontation or formal visual fields;**
- 9. A basic sensorimotor examination;**
- 10. A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;**
- 11. Eye alignment;**
- 12. Visual acuities;**
- 13. Keratometry or autokeratometry;**
- 14. Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens;**
- 15. A manifest or subjective refraction.**
16. A dilated fundus examination.

NAC 636.210 Restrictions on use of name and place of practice; required display of license; representation as specialist without certification; employer responsible for unprofessional conduct

2. An optometrist shall display his or her license or a duplicate of his or her license to practice optometry and a current renewal card ~~in a conspicuous manner~~ **available upon request** at each office in which he or she practices optometry or has an ownership interest.

4. An optometrist who employs another optometrist **or an employee, technician, or assistant** on a temporary or permanent basis is subject to disciplinary action for any unprofessional conduct of the optometrist **or an employee, technician, or assistant** he or she employs which takes place during the performance of services pursuant to such employment. **Consistent with NRS 636.346, the optometrist has the ultimate responsibility over any conduct, treatment, act, or omission**

by the optometrist's employee, technician, or assistant, and all responsibility for all care provided to the licensee's patients.

NAC 636.215 Certificate of registration required to practice under assumed or fictitious name.

5. Not later than ~~10 working~~ **90 calendar** days after any percentage of the ownership of an optometry practice for which a fictitious or assumed name is registered changes, the licensee to whom the fictitious or assumed name is registered must submit a new application for the registration of the assumed or fictitious name.

NAC 636.xxx Licensee fees

3. The following nonrefundable fees:

(q) Legal name change (anytime besides at the time of a license renewal)\$100

NAC 636.xxx(1)(c) “upon service of process of a civil action relating to the practice of optometry is filed against the licensee or the licensee’s optometry business as registered with the Board, or the licensee’s business practicing under an assumed or fictitious name as registered with the Board.”

NAC 636.xxx Continuing Education

6.

(d) For continuing education completed to satisfy the requirements of NRS 636.2881 or subsection 6 of NRS 636.338, the American Medical Association, or its successor organization, as Category 1 **ophthalmology-specific** continuing medical education.

(e) Any ophthalmology residency program that is affiliated with an accredited medical school.

NAC 636.670 Contents

2. The actual materials desired ~~with their ability to transmit oxygen~~

...

4.

(b)

(2) The actual materials desired ~~with their percentage of water content and thickness~~

Proposed new NACs* to AB 432:

* Final language is subject to the Nevada Legislative Counsel Bureau’s discretion and approval.

AB 432 Section 14- the intent of this section is to also address a licensee’s permanent incapacitation, and the permanently incapacitated licensee’s durable power of attorney, legal guardian as appointed pursuant to NRS 159- Guardianship of Adults.

AB 432 Section 15- The personal mailing address, telephone number, and electronic mail address of the licensee are to be kept confidential within the Board’s internal files absent such information being the licensee’s publicly known mailing address, telephone number or electronic mail address.

AB 432 Section 16- As used in this section, “disciplinary action” means an action resulting in a report to the National Practitioner’s Databank regarding patient care, or a finding of unprofessional conduct as defined in NRS 636.295.

AB 432 Section 17(1)- As used in this section, within the scope of a license means up to the scope of practice of the student’s supervising licensee.

AB 432 Section 17(2)- As used in this section, within the scope of a license means up to the scope of practice of the resident’s supervising licensee.

AB 432 Section 17(3)- As used in this section, the person may provide care up to 10 hours of informing the supervising licensee.

AB 432 Section 17(4)- The intent of this section includes the providing of prescriptions.

AB 432 Section 18- The intent of this section allows the originating licensee or licensee within the originating licensee’s practice group in extenuating circumstances to issue, offer to issue, duplicate, or extend a prescription for the patient of the originating licensee or the originating licensee’s practice group within the immediately preceding two years.

AB 432 Section 19(2)- As used in this section, no synchronous non-comprehensive examination can be conducted unless the licensee has access to the patient’s records and contemporaneously reviews such records.

AB 432 Section 19(3)- As used in this section, “access” includes the act of reviewing such information prior to or contemporaneous with the examination. Nothing in this section is meant to prevent a licensee from providing care to a patient whom is already an existing patient within the licensee’s practice group of the immediately preceding two years.

AB 432 Section 19(9)(a)- as used in this section, the issuance of a prescription for an ophthalmic lens cannot occur without the licensee performing a synchronous manifest refraction.

As to existing NRS 636*

* Final language is subject to the Nevada Legislative Counsel Bureau’s discretion and approval.

NRS 636.145 In a disciplinary hearing, proof of actual injury need not be established.

NRS 636.206(2)(a) As used in this section, “disciplinary action” means an action resulting in a report to the National Practitioner’s Databank regarding patient care, or a finding of unprofessional conduct as defined in NRS 636.295.

NRS 636.206(2)(a)(6) As used in this section, “malpractice” is also inclusive of “professional negligence.”

NRS 636.215 “1. The purpose of licensing optometrists is to protect the public health and safety and the general welfare of the people of this State. 2. Any license issued pursuant to this chapter is a revocable privilege.”

NRS 636.305 “The voluntary surrender of a license, the failure to renew a license or the retirement of a licensee does not preclude the Board from causing a complaint to be investigated, issuing a formal complaint against the licensee, or conducting a disciplinary hearing of a formal charge relating to an alleged ground for disciplinary action set forth in NRS 636.295 conducted in accordance with the provisions of chapters 233B, 622, and 622A of NRS.”