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ASSEMBLY BILL NO. 183—ASSEMBLYMEMBER KOENIG

PREFILED FEBRUARY 3, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to optometry.  
(BDR 54-151)

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.

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AN ACT relating to optometry; providing that a license to practice optometry issued by the Nevada State Board of Optometry is a revocable privilege; establishing procedures by which the Board may summarily suspend a license to practice optometry; prohibiting a court from staying certain orders of the Board; specifying the substances which may be prescribed by an optometrist who holds a certificate to administer and prescribe pharmaceutical agents; increasing the number of members which constitute the Board; revising the requirements for the issuance of a license by endorsement; revising provisions governing the issuance of certain certificates by the Board; revising provisions relating to investigations conducted by the Board; clarifying that the practice of optometry includes optometric telemedicine; establishing certain circumstances under which a licensee is not required to report certain events to the Board; establishing certain provisions governing the temporary ownership of an optometry practice of a licensee who is permanently incapacitated; revising provisions governing the issuance of citations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law governs the practice of optometry, including, without limitation,
- 2 the licensing of optometrists by the Nevada State Board of Optometry. (Chapter
- 3 636 of NRS) **Section 2** of this bill provides that: (1) the purpose of licensing



4 optometrists is to protect the public health and safety and general welfare of the  
5 people of this State; and (2) any license issued by the Board is a revocable  
6 privilege.

7 **Section 3** of this bill establishes procedures by which the Board may  
8 summarily suspend the license of a licensee to practice optometry under certain  
9 circumstances.

10 **Section 4** of this bill prohibits a court from staying an order of the Board  
11 suspending the license of a licensee pending proceedings for disciplinary action.

12 **Section 5** of this bill revises the definition of the term "pharmaceutical agent"  
13 for the purposes of provisions governing the practice of optometry to specify that  
14 the term includes certain non-analgesic drugs.

15 **Section 6** of this bill increases the number of members of the Board from four  
16 members to five.

17 Existing law requires the Governor to appoint to the Board: (1) three members  
18 who are licensed to practice optometry in this State and are actually engaged in that  
19 practice; and (2) one member who is a representative of the general public. (NRS  
20 636.035) **Section 7** of this bill increases the number of members who are licensees  
21 who the Governor must appoint from three members to four members.

22 Existing law authorizes the Board to issue a license by endorsement to certain  
23 persons who hold a corresponding valid, active and unrestricted license to engage  
24 in the practice of optometry in the District of Columbia or any state or territory of  
25 the United States and who meet certain other requirements. (NRS 636.206) **Section**  
26 **8** of this bill requires an applicant for a license by endorsement to submit to the  
27 Board with his or her application proof satisfactory to the Board that the applicant  
28 has passed each part of the comprehensive national optometry examination  
29 administered by the National Board of Examiners in Optometry or its successor as a  
30 prerequisite to the issuance of the applicant's corresponding, valid, active and  
31 unrestricted license from the other jurisdiction.

32 Existing law requires the Board to adopt regulations which prescribe the  
33 requirements for certification to administer and prescribe certain pharmaceutical  
34 agents and sets forth certain requirements for inclusion in those regulations. (NRS  
35 636.287) **Section 9** of this bill eliminates the requirement that an applicant for  
36 certification have successfully completed not fewer than 40 hours of clinical  
37 training in administering and prescribing pharmaceutical agents in a training  
38 program which is conducted by an ophthalmologist and approved by the Board.

39 Existing law requires the Board to adopt regulations that prescribe the  
40 requirements for the issuance of a certificate to treat persons diagnosed with  
41 glaucoma. Existing law requires those requirements to include, among other  
42 requirements, proof that each optometrist who applies for such a certificate has  
43 treated at least 15 persons who were diagnosed with glaucoma by an  
44 ophthalmologist licensed in this State. (NRS 636.2893) **Section 10** of this bill  
45 revises that requirement to specify that such persons diagnosed with glaucoma must  
46 have been diagnosed by an ophthalmologist licensed in this State, the District of  
47 Columbia or any other state or territory of the United States.

48 Existing law requires the Board to cause any complaint filed with the Board to  
49 be investigated if the Executive Director of the Board determines the complaint is  
50 not frivolous and alleges on or more grounds for disciplinary action. (NRS  
51 636.305) **Section 11** of this bill authorizes the Board to issue orders to aid such an  
52 investigation, including, without limitation, an order compelling a licensee to  
53 appear before the Board or an investigative committee of the Board.

54 Existing law provides that a person who is licensed to practice optometry  
55 pursuant to chapter 636 of NRS is authorized and entitled to practice optometry in  
56 this State subject to the provisions of that chapter. (NRS 636.345) **Section 12** of  
57 this bill clarifies that the practice of optometry includes optometric telemedicine.



58 Existing law authorizes an assistant in any setting where optometry is practiced  
59 to perform certain activities if the assistant acts under the direct supervision of a  
60 licensed optometrist. (NRS 636.346) **Section 13** of this bill clarifies that an  
61 assistant is authorized to perform those same activities under the direct supervision  
62 of a licensed optometrist in any setting where optometric telemedicine is practiced.

63 Existing law requires a licensee to report to the Board within 30 days the  
64 revocation, suspension or surrender of, or any disciplinary action taken against, a  
65 license, certificate or registration to practice any occupation or profession issued by  
66 any other jurisdiction. (NRS 636.371) **Section 14** of this bill provides an exception  
67 to this duty, providing that a licensee is not required to report to the Board an  
68 administrative fine imposed by a regulatory board or other equivalent  
69 administrative body of any other jurisdiction if: (1) the National Practitioner Data  
70 Bank contains no corresponding report of the administrative fine; and (2) the  
71 regulatory board or other administrative body that imposed the fine did not issue an  
72 order of formal disciplinary action relating to the act or acts which served as the  
73 basis for the fine.

74 Existing law authorizes a surviving family member of a licensed optometrist  
75 who died and was the sole owner of an optometry practice to own the practice  
76 without holding a license to practice optometry in this State for not more than 1  
77 year after the death of the licensed optometrist. (NRS 636.398) **Section 15** of this  
78 bill authorizes a guardian or guardian ad litem who is appointed for a licensed  
79 optometrist who is permanently incapacitated and was the sole owner of an  
80 optometry practice to own the practice without holding a license to practice  
81 optometry in this State for not more than 1 year after the appointment of  
82 guardianship.

83 Existing law authorizes the Board to issue a citation to a licensee or other  
84 person who violates certain provisions of law governing the practice of optometry.  
85 (NRS 636.420) **Section 16** of this bill authorizes the issuance of a citation only for  
86 violations not involving: (1) the care of a patient; or (2) unethical or unprofessional  
87 conduct. **Section 16** also provides that the issuance of a citation and imposition of  
88 an administrative fine against a licensee for certain violations: (1) do not constitute  
89 formal disciplinary action by the Board; and (2) must not be reported to the  
90 National Practitioner Data Bank.

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

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

3 **Sec. 2. 1. *The purpose of licensing optometrists is to protect***  
4 ***the public health and safety and the general welfare of the people***  
5 ***of this State.***

6 **2. *Any license issued pursuant to this chapter is a revocable***  
7 ***privilege.***

8 **Sec. 3. 1. *If the Board reasonably determines from an***  
9 ***investigation of a licensee that the health, safety or welfare of the***  
10 ***public or any patient served by the licensee is at risk of imminent***  
11 ***or continued harm because of the manner in which the licensee***  
12 ***practices optometry, including, without limitation, optometric***  
13 ***telemedicine, the Board may summarily suspend the license of the***



1 *licensee pending a determination upon the conclusion of a*  
2 *hearing to consider a formal complaint against the licensee. An*  
3 *order of summary suspension may be issued only by the Board, the*  
4 *President of the Board, the presiding officer of an investigative*  
5 *committee convened by the Board to conduct the investigation or*  
6 *the member of the Board who conducted the investigation.*

7 2. *If an order to summarily suspend the license of a licensee*  
8 *is issued pursuant to subsection 1 by the President of the Board,*  
9 *the presiding officer of an investigative committee of the Board or*  
10 *a member of the Board, that person shall not participate in any*  
11 *further proceedings of the Board relating to the order.*

12 3. *If the Board, the President of the Board, the presiding*  
13 *officer of an investigative committee of the Board or a member of*  
14 *the Board issues an order summarily suspending the license of a*  
15 *licensee, the Board shall hold a hearing not later than 60 days*  
16 *after the date on which the order is issued, unless the Board and*  
17 *the licensee mutually agree to a longer period, to determine*  
18 *whether a reasonable basis exists to continue the suspension of the*  
19 *license pending the conclusion of a hearing to consider a formal*  
20 *complaint against the licensee. If no formal complaint against the*  
21 *licensee is pending before the Board on the date on which a*  
22 *hearing is held pursuant to this section, the Board must reinstate*  
23 *the license of the licensee.*

24 **Sec. 4.** *If the Board issues an order suspending the license of*  
25 *a licensee pending proceedings for disciplinary action, including,*  
26 *without limitation, a summary suspension pursuant to NRS*  
27 *233B.127, the court shall not stay that order.*

28 **Sec. 5.** NRS 636.0215 is hereby amended to read as follows:  
29 636.0215 “Pharmaceutical agent” means any topical or oral  
30 drug used or prescribed by a licensee for the examination,  
31 management or treatment of an abnormality, disease or condition of  
32 the eye or its appendages, including, without limitation, any  
33 analgesic *or non-analgesic* drug subject to the requirements of NRS  
34 636.2882 or added to schedule III, schedule IV or schedule V by the  
35 State Board of Pharmacy by regulation pursuant to NRS 453.146.  
36 The term does not include any drug or other substance added to  
37 schedule I or schedule II by the State Board of Pharmacy pursuant  
38 to that section.

39 **Sec. 6.** NRS 636.030 is hereby amended to read as follows:  
40 636.030 The Nevada State Board of Optometry, consisting of  
41 ~~four~~ *five* members appointed by the Governor, is hereby created.

42 **Sec. 7.** NRS 636.035 is hereby amended to read as follows:  
43 636.035 1. The Governor shall appoint:



1 (a) ~~Three~~ **Four** members who are licensed to practice  
2 optometry in the State of Nevada and are actually engaged in the  
3 practice of optometry.

4 (b) One member who is a representative of the general public.  
5 This member must not be:

6 (1) Licensed to practice optometry; or

7 (2) The spouse or the parent or child, by blood, marriage or  
8 adoption, of a person licensed to practice optometry.

9 2. A person shall not be appointed if he or she:

10 (a) Is the owner or co-owner of, a stockholder in, or a member  
11 of the faculty or board of directors or trustees of, any school of  
12 optometry;

13 (b) Is financially interested, directly or indirectly, in the  
14 manufacture or wholesaling of optical supplies; or

15 (c) Has been convicted of a felony or a gross misdemeanor  
16 involving moral turpitude.

17 **Sec. 8.** NRS 636.206 is hereby amended to read as follows:

18 636.206 1. The Board may issue a license by endorsement to  
19 engage in the practice of optometry to an applicant who meets the  
20 requirements set forth in this section. An applicant may submit to  
21 the Board an application for such a license if the applicant holds a  
22 corresponding valid, active and unrestricted license to engage in the  
23 practice of optometry in the District of Columbia or any state or  
24 territory of the United States.

25 2. An applicant for a license by endorsement pursuant to this  
26 section must submit to the Board with his or her application:

27 (a) Proof satisfactory to the Board that the applicant:

28 (1) Satisfies the requirements of subsection 1;

29 (2) *Has passed each part of the comprehensive national  
30 optometry examination administered by the National Board of  
31 Examiners in Optometry or its successor as a prerequisite to the  
32 issuance of the corresponding valid, active and unrestricted  
33 license described in subsection 1;*

34 (3) Has had no adverse actions reported to the National  
35 Practitioner Data Bank within the past 5 years;

36 ~~(3)~~ (4) Has been continuously and actively engaged in the  
37 practice of optometry for the past 5 years;

38 ~~(4)~~ (5) Has not held a license to practice optometry in this  
39 State in the immediately preceding year;

40 ~~(5)~~ (6) Has not been disciplined and is not currently under  
41 investigation by the corresponding regulatory authority of the  
42 District of Columbia or any state or territory in which the applicant  
43 currently holds or has held a license to engage in the practice of  
44 optometry; and



1 ~~[(6)]~~ (7) Has not been held civilly or criminally liable for  
2 malpractice in the District of Columbia or any state or territory of  
3 the United States;

4 (b) An affidavit stating that the information contained in the  
5 application and any accompanying material is true and correct; and

6 (c) Any other information required by the Board.

7 3. Not later than 15 business days after receiving an application  
8 for a license by endorsement to engage in the practice of optometry  
9 pursuant to this section, the Board shall provide written notice to the  
10 applicant of any additional information required by the Board to  
11 consider the application. Unless the Board denies the application for  
12 good cause, the Board shall approve the application and issue a  
13 license by endorsement to engage in the practice of optometry to the  
14 applicant not later than 45 days after receiving the application.

15 4. A license by endorsement to engage in the practice of  
16 optometry may be issued at a meeting of the Board or between its  
17 meetings by the President of the Board. Such an action shall be  
18 deemed to be an action of the Board.

19 **Sec. 9.** NRS 636.287 is hereby amended to read as follows:

20 636.287 The Board shall adopt regulations which prescribe the  
21 requirements for certification to administer and prescribe  
22 pharmaceutical agents pursuant to NRS 636.288. The requirements  
23 must include:

24 1. A license to practice optometry in this State; *and*

25 2. The successful completion of the "Treatment and  
26 Management of Ocular Disease Examination" administered by the  
27 National Board of Examiners in Optometry or an equivalent  
28 examination approved by the Board. ~~;~~ *and*

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

33 **Sec. 10.** NRS 636.2893 is hereby amended to read as follows:

34 636.2893 The Board shall adopt regulations that prescribe the  
35 requirements for the issuance of a certificate to treat persons  
36 diagnosed with glaucoma pursuant to NRS 636.2895. The  
37 requirements must include, without limitation:

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

39 2. The successful completion of the "Treatment and  
40 Management of Ocular Disease Examination" administered by the  
41 National Board of Examiners in Optometry or an equivalent  
42 examination approved by the Board;

43 3. Proof that each optometrist who applies for a certificate has  
44 treated at least 15 persons who were:



1 (a) Diagnosed with glaucoma by an ophthalmologist licensed in  
2 this State ~~H~~, *the District of Columbia or any other state or*  
3 *territory of the United States;* and

4 (b) Treated by the optometrist, in consultation with that  
5 ophthalmologist, for at least 12 consecutive months; and

6 4. A certificate to administer and prescribe pharmaceutical  
7 agents issued pursuant to NRS 636.288.

8 **Sec. 11.** NRS 636.305 is hereby amended to read as follows:

9 636.305 1. A complaint may be made against a licensee by:

10 (a) An employee or contractor of the Board; or

11 (b) Any licensee or other person,

12 ↪ alleging one or more grounds for disciplinary action set forth in  
13 NRS 636.295.

14 2. As soon as practicable after a complaint is filed with the  
15 Board, the Executive Director or his or her designee shall review the  
16 complaint. If the Executive Director determines that the complaint is  
17 not frivolous and alleges one or more of the grounds for disciplinary  
18 action set forth in NRS 636.295, the Board, through the Executive  
19 Director, shall cause the complaint to be investigated.

20 3. *The Board may issue orders to aid an investigation*  
21 *conducted pursuant to subsection 2, including, without limitation,*  
22 *an order compelling a licensee to appear before the Board or an*  
23 *investigative committee of the Board.*

24 4. The Board shall retain each complaint received pursuant to  
25 this section for not less than 10 years, including, without limitation,  
26 any complaint which is not acted upon.

27 **Sec. 12.** NRS 636.345 is hereby amended to read as follows:

28 636.345 A licensee shall be authorized and entitled to practice  
29 optometry, *including, without limitation, optometric telemedicine,*  
30 in this State subject to the provisions of this chapter.

31 **Sec. 13.** NRS 636.346 is hereby amended to read as follows:

32 636.346 1. In any setting where optometry, *including,*  
33 *without limitation, optometric telemedicine,* is practiced, an  
34 assistant may fit ophthalmic lenses or spectacle lenses if the  
35 assistant acts under the direct supervision of a licensed optometrist.

36 2. In addition to the provisions of subsection 1, an assistant in  
37 any setting where optometry, *including, without limitation,*  
38 *optometric telemedicine,* is practiced may perform any of the  
39 following activities under the direct supervision of a licensed  
40 optometrist:

41 (a) Prepare a patient for examination.

42 (b) Collect preliminary data concerning a patient, including  
43 taking the medical history of the patient.

44 (c) Perform simple and noninvasive testing of a patient in  
45 preparation for any subjective refraction, testing, evaluation,



1 interpretation, diagnosis or treatment of the patient by the licensed  
2 optometrist.

3 (d) For an ophthalmic purpose, administer any cycloplegic or  
4 mydriatic agent or topical anesthetic that is not a controlled  
5 substance.

6 (e) Use an ophthalmic device or oversee ocular exercises, visual  
7 training, visual therapy or visual rehabilitation as directed by a  
8 licensed optometrist.

9 3. If an assistant conducts any activities pursuant to subsection  
10 2, the licensed optometrist must conduct the final eye examination  
11 of the patient.

12 4. As used in this section, "assistant" means a person employed  
13 by an optometrist or any medical provider or medical facility at  
14 which the optometrist provides or offers to provide his or her  
15 services as an optometrist.

16 **Sec. 14.** NRS 636.371 is hereby amended to read as follows:

17 636.371 ~~[A]~~ 1. *Except as otherwise provided in subsection*  
18 *2, a licensee shall report to the Board within 30 days the revocation,*  
19 *suspension or surrender of, or any other disciplinary action taken*  
20 *against, a license, certificate or registration to practice any*  
21 *occupation or profession issued to the licensee by another state or*  
22 *territory of the United States, the District of Columbia or a foreign*  
23 *country.*

24 *2. A licensee is not required to report to the Board an*  
25 *administrative fine imposed against the licensee by a regulatory*  
26 *board or other equivalent administrative body of another state or*  
27 *territory of the United States, the District of Columbia or a foreign*  
28 *country if:*

29 *(a) The National Practitioner Data Bank contains no*  
30 *corresponding report of the administrative fine; and*

31 *(b) The regulatory board or administrative body that imposed*  
32 *the administrative fine did not issue an order of formal*  
33 *disciplinary action relating to the act or acts which served as the*  
34 *basis for the fine.*

35 **Sec. 15.** NRS 636.398 is hereby amended to read as follows:

36 636.398 1. For not more than 1 year after the death of a  
37 licensee who is the sole owner of an optometry practice, a surviving  
38 member of the licensee's family may own the optometry practice  
39 without being licensed pursuant to this chapter. Not later than 1 year  
40 after the death of the licensee, the surviving member of the  
41 licensee's family shall transfer ownership of the optometry practice  
42 to a licensee or dissolve the optometry practice.

43 2. *For not more than 1 year after a guardian or guardian ad*  
44 *litem is appointed in accordance with the laws of this State for a*  
45 *licensee who is the sole owner of an optometry practice on the*





1 *basis that the licensee is permanently incapacitated, the guardian*  
2 *or guardian ad litem, as applicable, may own the optometry*  
3 *practice without being licensed pursuant to this chapter. The*  
4 *guardian or guardian ad litem shall:*

5 (a) *As soon as practicable after his or her appointment, submit*  
6 *to the Board a written opinion of a physician who is board-*  
7 *certified in the area of neurology, neurological surgery, critical*  
8 *care medicine or intensive care medicine expressing that, to a*  
9 *reasonable degree of medical probability, the licensee is*  
10 *permanently incapacitated.*

11 (b) *Not later than 1 year after his or her appointment, transfer*  
12 *ownership of the optometry practice to a licensee or dissolve the*  
13 *optometry practice.*

14 3. The provisions of this section do not:

15 (a) Exempt a person from the requirement to obtain a license  
16 pursuant to this chapter to engage in the practice of optometry; and

17 (b) Abrogate, alter or otherwise affect any obligation to comply  
18 with the requirements of chapters 629 and 636 of NRS relating to  
19 the custody of health care records.

20 ~~3.1~~ 4. As used in this section, "member of the licensee's  
21 family" means any person related to the licensee by blood, adoption  
22 or marriage within the third degree of consanguinity.

23 **Sec. 16.** NRS 636.420 is hereby amended to read as follows:

24 636.420 1. After providing notice and a hearing pursuant to  
25 chapter 622A of NRS, the Board may impose an administrative fine  
26 of not more than \$5,000 for each violation against a person licensed  
27 under this chapter who engages in any conduct constituting grounds  
28 for disciplinary action set forth in NRS 636.295.

29 2. If the Board determines that a person has violated any  
30 provision of this chapter, the Board may , *except as otherwise*  
31 *provided pursuant to subsection 3*, issue a citation to the person.  
32 The citation may contain an order to pay an administrative fine of  
33 not more than \$1,000 for each violation or, for a violation described  
34 in subsection 1, \$5,000 for each such violation. A citation issued  
35 pursuant to this subsection must be in writing, describe with  
36 particularity the nature of the violation and inform the person of the  
37 provisions of this subsection. Each activity in which the person is  
38 engaged constitutes a separate offense for which a separate citation  
39 may be issued. To appeal a citation, the person must submit to the  
40 Board a written request for a hearing not later than 30 days after the  
41 date of issuance of the citation. The Board shall provide notice of  
42 and conduct a hearing requested pursuant to this subsection in  
43 accordance with the provisions of chapter 622A of NRS.

44 3. *A citation may be issued to a licensee pursuant to*  
45 *subsection 2 only for violations not involving:*



- 1        *(a) The care of a patient; or*  
2        *(b) Unethical or unprofessional conduct.*  
3        **4. The issuance of a citation to and the imposition of an**  
4        **administrative fine against a licensee pursuant to subsection 2:**  
5        *(a) Does not constitute formal disciplinary action by the*  
6        **Board; and**  
7        *(b) Must not be reported to the National Practitioner Data*  
8        **Bank.**





