

STATE OF NEVADA

JOE LOMBARDO
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DR. KRISTOPHER SANCHEZ
Director

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Deputy Directors

ADAM SCHNEIDER
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

NOTICE OF INTENT TO ACT UPON PERMANENT REGULATION

Notice of Hearing for the Adoption of

R056-25

Pursuant to NRS 233B.060(1)(b), the Nevada State Board of Optometry will hold a public hearing at **12:00pm (pst) on the 10th day of December 2025** through remote and in-person means:

Nevada Business Center
Tahoe Room
3300 W. Sahara Ave., 4th Floor
Las Vegas, Nevada 89102

Zoom link:

<https://us06web.zoom.us/j/83955827327?pwd=BbdnId7z1bTlXhAMa1OuEqAfAaDOuI.1>

Meeting ID: 839 5582 7327

Passcode: 060983

Telephone: 1 669 900 6833

The purpose of the hearing is to receive comments from all interested persons regarding **R056-25** which pertain to chapter 636 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

(1)(a)(1) The need and purpose of the proposed regulation or amendment.

NRS/NAC 636 govern optometry. R056-25 seeks to: 1) provide a regulation to AB183(3) for what is required of the Board should the Board summarily suspend the license of a licensee; 2) amend NAC 636.730 to track with the amendment of NRS 636.287 by and through AB183(9) for the requirements for a licensee to administer and prescribe therapeutic pharmaceutical agents; 3) amend NAC 636.280 to track with the amendment of NRS 636.2893 by and through AB183(10) that an ophthalmologist in the State of Nevada, the District of Columbia or any other state or territory of the United States; and 4) provide a regulation to NRS 636.325 should the Board impose discipline upon a licensee and the factors and mitigating factors that the Board will consider upon doing so.

The regulation associated with AB183(3) is needed because it concerns summary suspensions and the Board felt it best to ensure due process duties it may owe to the subjected licensee(s) which are not expressly stated in AB183(3). The regulation to amend NAC 636.730 and NAC 636.280 are needed to NAC 636 to stay consistent with the recent changes in NRS 636 by and through AB183. The regulation associated with NRS 636.325 is needed the Board has no factors of

consideration when issuing discipline or sanctions upon a licensee after a formal finding of unprofessional conduct. The Board believes once adopted it will assist the Courts in the event of a Petition for Judicial Review filed upon the Board and any hypothetical arguments from the aggrieved licensee that the Board's Order for such discipline or sanction was allegedly arbitrary and capricious.

(1)(a)(2) If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and the issues involved

N/A. The proposed regulation is not temporary.

(1)(a)(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The proposed regulation is permanent.

Publicly available at the Nevada State Board of Optometry's website at www.nvoptometry.org under its Board Meetings tab;

Contacting the Nevada State Board of Optometry at admin@nvoptometry.org and requesting a copy.

Faxing the Nevada State Board of Optometry at 775-305-0105 and requesting a copy;

Calling the Nevada State Board of Optometry at 775-883-8367 and requesting a copy;

Publicly available at the Nevada State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada during business hours;

Publicly available at the office of the Nevada State Board of Optometry at 6170 Mae Anne Ave., Ste. 1, Reno, NV 89523 during business hours;

Publicly available at the State of Nevada Register of Administrative Regulation's website at www.leg.state.nv.us/register/; [R056-25I.pdf](#)

Notice website at notice.nv.gov;

Via U.S. Postal Service to members of the public at no charge upon request. No such request has occurred at the time of issuance of this Notice.

(1)(a)(4) The estimated economic effect of the regulation on the business in which it is to regulate and on the public. These must be stated separately and in each case must include:

(I) Adverse and beneficial economic effects on optometry-

The Board does not anticipate any adverse effects on the business of optometry itself. None of R056-25 deals with business or fees, but instead are changes for administrative requirements as to when a licensee is summarily suspended, the revised requirements to prescribe therapeutic pharmaceutical agents, the revised requirements to treat glaucoma, and factors to consider when discipline is ordered for a licensee.

Adverse and beneficial economic effects on the public-

The Board does not anticipate any adverse effects upon the public given the regulation is exclusive to licensees. None of these regulations deal with economics upon the public, but instead are administrative in nature regarding requirements for a licensee's scope of practice and when the Board suspends a licensee's license and when the Board disciplines a licensee.

(II) Immediate and long-term effects on optometry-

The estimated immediate and long-term benefits upon optometry is that these optometry

regulations keep current with optometry statutes, and which aid a licensee in adhering to requirements to prescribe pharmaceutical agents and treat glaucoma. The Board also affords the licensee due process upon a summarily suspended license and when imposing discipline.

Immediate and long-term effects on the public-

The Board does not anticipate any adverse effects upon the public given the regulation is exclusive to licensees. The regulations help define for licensees the requirements to properly administer pharmaceutical agents and treating glaucoma. Given the Board's purpose is to help protect the health and general welfare of the public, the regulation will assist the Board in providing due process to a licensee who is summarily suspended and what factors including mitigating factors when the Board has to institute discipline upon a licensee.

(1)(a)(5) The methods used by the agency in determining the impact on a small business prepared pursuant to NRS 233B.0608(3).

None of the components of this regulation impact small business. Nonetheless, prior to the Notice of Workshop being posted, the Board issued a Newsletter to its membership announcing the topic of the workshop, and specifically seeking any membership input on the proposed changes. No comments received. Notice of the September 25, 2025 workshop were sent to all registered licensees on the Board's email-mailing list. Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, fax, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org. No comments received.

(1)(a)(6) The estimated cost to the agency for enforcement of the proposed regulation.

Notwithstanding changing the application forms for a licensee to be certified to treat glaucoma and to prescribe pharmaceutical agents, the Board does not believe there will be a cost for enforcement as the proposed revisions do not require enforcement.

(1)(a)(7) A description of and citations to any regulation of other state or local governmental agencies which the proposed regulation overlaps or duplicates, and a statement why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, state the name of the regulating federal agency.

The proposed regulation does not overlap with any other state, local, or federal agency/regulation to the best of the Board's knowledge. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

(1)(a)(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

N/A. The regulation is not required by federal law.

(1)(a)(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A. None of the proposed regulation is more stringent than any federal, state, or local standards regulating optometry to the best of the Board's knowledge.

(1)(a)(10) The time when, the place where, and the manner in which interested persons may present their views regarding the proposed regulation.

12:00pm (pst) on the 10th day of December 2025 through remote and in-person means:

Nevada Business Center
Tahoe Room
3300 W. Sahara Ave., 4th Floor
Las Vegas, Nevada 89102

Zoom link:

<https://us06web.zoom.us/j/83955827327?pwd=BbdnId7z1bTlXhAMa1OuEqAfAaDOuI.1>

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Telephone: 1 669 900 6833

Persons wishing to comment upon the proposed action of the Nevada State Board of Optometry may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to:

Nevada State Board of Optometry
P.O. Box 1824
Carson City, NV 89702

-or-

Email: director@nvoptometry.org

Written submissions must be received by the Nevada State Board of Optometry on or before **December 3, 2025**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Optometry may proceed immediately to act upon any written submissions.

The Board will take reasonable measures to accommodate persons with disabilities who wish to attend the meeting. Please call (775) 883-8367 or email admin@nvoptometry.org in advance to make arrangements.

*MEETING MATERIALS: The public may request these, including the regulation at issue, in advance by email to admin@nvoptometry.org.

(1)(b) If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A The proposed regulation is not temporary.

(1)(c) Include an exact copy of the provisions of subsection 2 of [NRS 233B.064](#).

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

(1)(d) Whether the proposed regulation establishes a new fee or increases an existing fee.

No component of this regulation establishes a new fee or increases an existing fee.

(1)(e) Mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.

The agency will comply with any such request, but no such request has occurred.

(1)(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to [NRS 233B.0653](#). The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).

The Board will abide.

(2) The Attorney General may by regulation prescribe the form of notice to be used.

The Attorney General by regulation has not prescribed the form of notice to be used to the best of the Board's knowledge.

(3) In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses to be affected by the proposed regulation.

See section (1)(a)(5) of this Notice for such compliance.

PROPOSED REGULATION

Summary suspension of license by Board.

1. If the Board summarily suspends the license of the licensee pursuant to AB183(3), the Board will issue such an order if it determines that:

- (a) The licensee has violated a provision of this chapter or chapter 636 of NRS;
- (b) The summary suspension of the license is necessary to prevent a further violation of this chapter or chapter 636 of NRS; and
- (c) The public health, safety or general welfare imperatively requires the summary suspension of the license.

3. An order summarily suspending a license:

(a) Must:

- (1) Comply with the applicable provisions of NRS 233B.127; and
- (2) Set forth the grounds upon which the order is issued, including a statement of facts;
- (b) Is effective upon service on the licensee of the order and complaint; and
- (c) Notwithstanding the time frames stated in AB183(3)(3), remains in effect until the Board:

- (1) Modifies or rescinds the order; or
- (2) Issues its final order or decision on the underlying complaint.

NAC 636.730 Certification to administer and prescribe therapeutic pharmaceutical agents. ([NRS 636.125](#), [636.287](#))

1. The Board shall provide a certificate to administer and prescribe pharmaceutical agents to each optometrist who:

- (a) Is licensed to practice optometry in the State of Nevada and is in good standing.
- (b) Has successfully completed the Treatment and Management of Ocular Disease Examination administered by the National Board of Examiners in Optometry, or its successor organization. The Board must receive verification that the person successfully completed the examination from the testing agency.
- ~~(c) Submits a form which meets the requirements set forth in subsection 2 and which states that the optometrist successfully completed a training program of not less than 40 hours of clinical training in administering and prescribing pharmaceutical agents which was:~~
 - ~~(1) Conducted by an ophthalmologist who is licensed and in good standing in any state, territory or possession of the United States; and~~
 - ~~(2) Comprehensive in nature and covered the use of all classes of pharmaceutical agents which may be administered or prescribed pursuant to chapter 636 of NRS.~~

~~2. Upon completion by an optometrist of a training program which meets the requirements of paragraph (c) of subsection 1, the ophthalmologist who conducted the program shall, on a form provided by the Executive Director of the Board, certify under penalty of perjury that the optometrist named on the form satisfactorily completed the training program. On a separate form provided by the Executive Director, the named optometrist shall certify under penalty of perjury that he or she completed the training program and satisfies all of the other requirements for certification to administer and prescribe pharmaceutical agents. The certifying signatures of the ophthalmologist and optometrist must be notarized.~~

~~3. The forms provided by the Executive Director of the Board pursuant to subsection 2 must:~~

- ~~(a) Set forth the requirements for the training program described in this section;~~
- ~~(b) Contain the certifications for the ophthalmologist or optometrist, as applicable, which are required by this section; and~~
- ~~(c) Provide space and appropriate designations for the notarization of the signatures of~~

~~the ophthalmologist or optometrist, as applicable.~~

NAC 636.280 Requirements for certification.

4. Shall submit proof on a written form provided by the Executive Director of the Board that the optometrist has treated at least 15 persons described in subsection 3 of NRS 636.2893. The form must include:

...

(c) A statement that the optometrist has, in consultation with an ophthalmologist licensed in the State of Nevada, *the District of Columbia or any other state or territory of the United States*, treated the patients in accordance with the provisions of this chapter and chapter 636 of NRS.

Factors to be considered in imposing disciplinary action or sanctions.

1. In imposing disciplinary action or sanctions, the Board shall consider the following factors:

- (a) Whether the licensee has violated a duty owed to a patient, to the public, to the legal system, or to the profession;
- (b) Whether the licensee acted intentionally, knowingly, or negligently;
- (c) The amount of the actual or potential injury caused by the licensee's misconduct; and
- (d) The existence of any aggravating or mitigating factors.

2. Using the first three factors in section 1(a)-(c), the Board shall determine a baseline or presumptive sanction. The Board may then consider any aggravating or mitigating factors to increase or decrease the sanction.

3. Aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:

- (a) Prior disciplinary offenses;
- (b) Dishonest or selfish motive;
- (c) A pattern of misconduct;
- (d) Multiple offenses;
- (e) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders;
- (f) Submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing;
- (g) Refusal to acknowledge the wrongful nature of conduct;
- (h) Vulnerability of victim;
- (i) Substantial experience in the practice of optometry;
- (j) Indifference to making restitution;
- (k) Illegal conduct, including that involving the use of controlled substances.

4. Mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:

- (a) Absence of a prior disciplinary record;
- (b) Absence of a dishonest or selfish motive;
- (c) Personal or emotional problems;
- (d) Timely good faith effort to make restitution or to rectify consequences of misconduct;

- (e) Full and free disclosure to disciplinary authority or cooperative attitude toward proceeding;
 - (f) Inexperience in the practice of optometry;
 - (g) Character or reputation;
 - (h) Physical disability;
 - (i) Mental disability or chemical dependency including alcoholism or drug abuse when:
 - (1) There is medical evidence that the licensee is affected by chemical dependency or a mental disability;
 - (2) The chemical dependency or mental disability caused the misconduct;
 - (3) The licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
 - (4) The recovery arrested the misconduct and recurrence of that misconduct is unlikely;
 - (j) Delay in disciplinary proceedings;
 - (k) Interim rehabilitation;
 - (l) Imposition of other penalties or sanctions;
 - (m) Remorse;
 - (n) Remoteness of prior offenses.
5. Factors that should not be considered as either aggravating or mitigating include:
- (a) Forced or compelled restitution;
 - (b) Agreeing to a client's demand for improper behavior;
 - (c) Withdrawal of public complaint against the licensee;
 - (d) Resignation prior to completion of disciplinary proceedings;
 - (e) Complainant's or aggrieved patient's recommendation as to sanction;
 - (f) Failure of complainant or aggrieved patient to complain.