

PROPOSED REGULATION OF THE NEVADA STATE BOARD OF OPTOMETRY

LCB File No. R045-15

NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R045-15

Notice of Hearing for the Adoption of a Permanent Regulation of the Nevada State Board of Optometry

Intent to Adopt Regulation

NOTICE IS HEREBY GIVEN that the Nevada State Board of Optometry will hold a Public Hearing at 9:00 a.m., on January 26th, 2016, in Cox Meeting Room 2 on the campus of the University of Nevada Las Vegas, 4505 Maryland Parkway, Las Vegas, Nevada 89154. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 636 of the Nevada Administrative Code, LCB File No. R045-15.

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

1. The need for and the purpose of the proposed regulation.
The purpose of the proposed regulation is to remove specific time parameters from NAC 636.290 for optometrists who are training with an ophthalmologist regarding the treatment of glaucoma.
2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.
NAC 636.290 Consultation with and referral to ophthalmologist; records. See text of R045-15 for specific amendment language.
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.
A copy of the proposed language can be obtained by contacting the Nevada State Board of Optometry, 1000 E. William St., Carson City, NV 89701-3116, telephone: (775) 883-8367, fax: (775) 883-1938, e-mail: jkennedy@nvoptometry.org.
4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - (a) Both adverse and beneficial effects.
There are no anticipated adverse or beneficial economic effects on the optometric profession or the public.

(b) Both immediate and long term effects.

There are no anticipated immediate or long term economic effects on the optometric profession or the public.

5. A statement identifying the methods used by the Nevada State Board of Optometry in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

On January 13th and May 12th, 2015, the Board discussed the potential text for the regulation at its regular board meetings. Attending and participating in the discussion were representatives from the Nevada Optometric Association and the Nevada Academy of Ophthalmology. Based upon the discussion, the Board made some changes to the proposed language. No participant in the discussion presented any evidence or argument that the proposed language would have a positive or negative impact on small businesses.

On July 14th, 2015, the Board held a workshop regarding the language that became R045-15. Attending and participating in the workshop were representatives from the Nevada Optometric Association and the Nevada Academy of Ophthalmology. No participant in the discussion presented any evidence or argument that the proposed language would have a positive or negative impact on small businesses.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Nevada State Board of Optometry for enforcement of the proposed regulation.

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Nevada State Board of Optometry is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

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

This proposed regulation is not required by federal law.

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

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

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

Persons wishing to comment upon the proposed action of the Nevada State Board of Optometry may appear and make oral comment at the scheduled public hearing, or

may address their comments, data, views or arguments, in written form, to the Nevada State Board of Optometry, Attention: Judi Kennedy, Executive Director, at Post Office Box 1824, Carson City, NV 89702, telephone: (775) 883-8367, fax: (775) 883-1938, e-mail: jkennedy@nvoptometry.org. Written submissions must be received by Nevada State Board of Optometry on or before January 10th, 2016. 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 submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Nevada State Board of Optometry, 1000 E. William St., Carson City, Nevada. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. This information is also available at the Nevada State Board of Optometry's website at <http://nvoptometry.org>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will 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.

This Notice of Hearing has been posted at the following locations:

The Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada; the Nevada State Board of Optometry, 1000 E. William St., Carson City, Nevada; Carson City Courthouse, 885 East Musser Street, Carson City, Nevada; Office of the Attorney General, 1325 Airmotive Way, Suite 340, Reno, Nevada; Office of the Attorney General, 555 East Washington Avenue #3900, Las Vegas, Nevada; and Douglas County Courthouse, 1616 8th Street, Minden, Nevada.

A copy of this notice of intent to act upon a regulation has been mailed to all licensees of the Nevada State Board of Optometry, and to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Nevada State Board of Optometry for this purpose.